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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or Involuntary Disappearances

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Introduction

1. The Working Group on Enforced or Involuntary Disappearances submits herewith its twelfth report to the Commission on Human Rights. In its work in 1991, the Working Group has taken into account the valuable comments made during the debate on item 10 (c) at the forty-seventh session of the Commission and the specific tasks entrusted to it by the Commission in its resolutions 1991/41 and 1991/70.

2. Since its establishment, following the adoption of resolution 20 (XXXVI) by the Commission on Human Rights in February 1980, the Working Group has sought to develop methods of work enabling it to deal in a practical manner with the sensitive information brought to its attention and to cover a maximum number of individual cases reported to it. The Group has processed and analysed thousands of reports of disappearances: it has created a computerized database, it has transmitted the cases to the Governments concerned, it has informed relatives of any reply received from the Governments, it has followed up the investigations carried out by Governments and has given relatives and concerned organizations the opportunity to submit comments on the Governments' replies; the Working Group has also transmitted to the Governments, for their comments, allegations of a general nature transmitted to it by various sources, thus establishing a channel of communication between families of disappeared persons and the Governments concerned.

3. The Working Group has also taken urgent steps in cases where disappearances occurred within the three months preceding the receipt of the report by the Group, and in cases in which relatives of missing persons and other individuals or organizations that sought to cooperate with the Group or tried to avail themselves of its procedures have been subject to intimidation, persecution or reprisals.

4. The number of cases received in 1991 showed an unexpected resurgence of the problem in some countries: the Working Group transmitted to Governments a total of 4,800 cases of disappearance, of which 3,841 were sent to the Government of Sri Lanka. At the time of writing, about 12,000 cases had not yet been processed and analysed prior to their transmission to the Governments concerned, as the Working Group lacked the resources to deal with such a large number of cases during the year.

5. During 1991, the Working Group had the opportunity to visit Sri Lanka at the invitation of the Government, which enabled it to have a more complete picture of the situation in that country. More than 1,000 relatives of missing persons were seen by the Group. The report of that visit is contained in the addendum to the present document. The country section on Sri Lanka in the main report has been maintained and provides information on decisions taken by the Group with respect to the reported cases of disappearance in tha country along with the customary statistical summary. Statements by representatives of the Government and the views of non-governmental organizations, except for those received after the visit, are described in the addendum.

6. In addition to its consideration of individual cases and its visit to Sri Lanka, the Working Group continued to study the phenomenon of disappearance per se, its specific elements and problems related to it, with a view to finding ways to alleviate the consequences of this pernicious practice. The Working Group has also taken some initial steps to examine the question of impunity, thought to be the most important factor contributing to the phenomenon of disappearance. The Working Group was also represented by one of its members at the meetings of the open-ended Working Group charged by the Commission with the preparation of a draft declaration on the protection of all persons from enforced or involuntary disappearance.

7. The pattern for the report on disappearances adopted in 1988 and described in the Group's report to the Commission at its forty-fourth session (E/CN.4/1988/19, paras. 1-5) has been followed in the present report. However, the Working Group decided at its thirty-fifth session to include South Africa in the section relating to individual countries, instead of placing it separately at the end of the report. It also decided not to reflect in the present report any communication or case reaching it after the last day of its third annual session. However, urgent action cases would continue to be processed as usual and would be reflected, as would any other communication received from 13 to 31 December, in the next report of the Working Group. Finally, the Group decided not to include in the graphs the year under consideration in the report, based on the fact that many cases occurring during the year are generally received by the Working Group only the following year. The graphs therefore do not properly reflect the situation in a given country as of the date of the adoption of the report. In addition, a number of cases occurring during the year are often clarified at the beginning of the following year. The Group believes that the statistical summaries in the country sections will give an accurate picture of the pattern of disappearances in the world.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1991

A. Legal framework for the activities of the Working Group

8. The legal framework for the activities of the Working Group has been extensively described in its reports to the Commission on Human Rights at its forty-first to forty-seventh sessions. 1/

9. At its forty-seventh session, the Commission, in its resolution 1991/41, requested the Working Group to report on its work to the Commission at its forty-eighth session, and to submit to the Commission all appropriate information it deemed necessary and all concrete suggestions and recommendations regarding the fulfilment of its task. The Commission also reminded the Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their evaluation, their transmittal to Governments and the consideration of government replies.

10. The Commission noted with concern that some Governments had never provided substantive replies concerning disappearances alleged to have occurred in their country and that some Governments had not acted on the recommendations contained in the Group's reports concerning them. It urged the Governments concerned to answer expeditiously requests for information addressed to them by the Group; to intensify their cooperation with the Group in regard to any measure taken in pursuance of recommendations addressed to them by the Group; and to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was guaranteed, particularly as regards the prevention of enforced or involuntary disappearances. The Commission also reminded Governments of the need to ensure that their competent authorities conducted prompt and impartial inquiries in cases of disappearance.

11. In addition, in its resolution 1991/31, the Commission urged the Governments concerned to intensify their cooperation with the Working Group and with Special Rapporteurs in charge of thematic procedures in regard to any measure taken in pursuance of recommendations addressed to them through any of the procedures.

12. The Commission expressed its concern at the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons and urged the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. This request is in line with resolution 1991/70, in which the Commission urged Governments to refrain from all acts of intimidation, reprisals against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies, or who had sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. In this resolution, the Commission requested representatives of United Nations human rights bodies to help prevent the occurrence of intimidation or reprisals as well as prevent access to United Nations human rights procedures from being hampered in any way.

13. The Commission repeated its request to the Secretary-General to ensure that the Working Group received all necessary assistance, in particular the staff and resources it required, to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it.

B. Meetings and missions of the Working Group

14. The Working Group held three sessions in 1991. The thirty-third session was held in New York from 18 to 22 March, and the thirty-fourth and thirty-fifth sessions were held in Geneva from 26 to 31 August and from 4 to 13 December respectively. During these sessions, the Working Group held 4 meetings with representatives of Governments and 16 meetings with representatives of human rights organizations, associations of relatives of missing persons, families or witnesses directly concerned with reports of enforced or involuntary disappearances. As in previous years, the Working Group examined information on enforced or involuntary disappearances received from both Governments and the above-mentioned organizations and individuals and decided, in accordance with its methods of work, on the transmission of the reports or observations received to the Governments concerned. On the basis of the information received, the Working Group also took decisions concerning clarification of relevant cases.

15. During 1990 and 1991, the Working Group received confirmation of the Government's invitation to visit Sri Lanka. After consultations with the Permanent Mission of Sri Lanka to the United Nations Office at Geneva, it was decided that the visit should take place from 7 to 18 October 1991. Three of its members represented the Working Group on that mission, which was carried out in accordance with paragraph 11 of resolution 1991/41. The report of the visit was considered and approved by the Working Group at its thirty-fifth session and is contained in the addendum to the present report.

16. The Government of El Salvador renewed its invitation to visit that country through a letter dated 11 December 1990 from its Permanent Representative in Geneva. The invitation was accepted by the Working Group; no dates for the visit have as yet been established.

17. By a note verbale dated 2 April 1991, the Government of Ecuador invited the Chairman of the Working Group to visit Ecuador to verify *in situ* the efforts made by the Government to clarify a case of disappearance which occurred in 1990. The Chairman expressed his appreciation of the invitation, which he was not able to accept at that time owing to previous engagements.

18. In addition, the Working Group was represented by one of its members at the first meeting of the Preparatory Committee of the World Conference on Human Rights (extracts of his statement appear in annex II) and at meetings of the open-ended Working Group charged with drafting a declaration on the protection of all persons from enforced or involuntary disappearance.

C. Communications with Governments

19. In 1991, the Working Group received 17,000 reports of enforced or involuntary disappearances and transmitted 4,800 newly reported cases to the Governments concerned; 636 of these cases were reported to have occurred in 1991; 197 were transmitted under the urgent action procedure and 34 of such cases were clarified during the year. Some of the remaining cases were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission, and others were considered inadmissible within the context of the Working Group's mandate. A considerable number of cases could not be processed in time for consideration by the Working Group at its December 1991 session owing to lack of time and staffing constraints. The Working Group transmitted to the Governments concerned any further information it had received on cases previously transmitted and any observations provided by the source on the Governments' replies; it reminded Governments of the outstanding cases and, when requested, retransmitted the summaries of those cases to them. All outstanding cases transmitted during the preceding six months under the urgent action procedure were retransmitted in January and July 1991. Governments were also informed about clarifications of or new information on previously transmitted cases, as reported by the sources.

20. In accordance with paragraphs 7 and 9 of Commission resolution 1991/41, and with resolution 1991/31, the Working Group decided at its thirty-fourth session to remind the Governments concerned of the observations and recommendations included in the Group's report on its visit to their respective countries. Letters addressed on 30 August 1991 to the Governments of Colombia, Guatemala, Peru and the Philippines contained a number of precise questions relating to measures taken to implement those recommendations as well as those relating to other matters to which the Working Group had referred in its mission reports. These questions covered: (a) the reinforcement of judicial mechanisms and safeguards for the protection of human rights and the prevention of disappearances; (b) the reinforcement of national institutions dealing with the investigation of disappearances and with the protection of persons against disappearances, in terms of strengthening their investigative powers and increasing their resources; (c) measures taken to ensure accountability for cases of disappearance in which officials and law-enforcement forces are involved; (d) measures taken to investigate recent cases of disappearance and cases that have occurred in the past, with a view to establishing the whereabouts or the fate of the missing persons; (e) measures taken to ensure that relatives of the missing persons, witnesses to disappearances, officials, lawyers and human rights defenders involved in reporting or investigating disappearances are protected from intimidation or reprisals; (f) measures taken to ensure that relatives of missing persons receive adequate compensation and are provided with financial assistance to carry out investigations into the whereabouts of their missing family members (including programmes to finance expert work for the identification of corpses found in unmarked graves); (g) measures taken to develop an awareness of human rights and the principles and norms contained in international instruments in this field, in particular among law-enforcement and military forces; and (h) instructions and orders given to law-enforcement

or military forces in connection with the treatment of detainees, places of detention, providing information to relatives of detainees, and other principles contained in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in resolution 43/173 of 9 December 1988.

21. In this connection, the Working Group received relevant information from the Governments of Colombia, Guatemala, Peru and the Philippines, which is reflected in the country subsections.

22. In accordance with its mandate and, in particular, pursuant to paragraph 4 of resolution 1991/41, the Working Group, at its thirty-third session, decided to address to all States Members of the United Nations, as well as to non-governmental organizations concerned with disappearances, a letter requesting their comments or observations on the question of impunity as it affects the practice of enforced or involuntary disappearances in general and, in particular, in relation to the following tentative considerations:

(a) That the investigation of disappearances and the publication of the results of the investigations are perhaps the most important means available to the Government of establishing accountability. The identity of the victims, as well as the identity of those responsible for devising policies and practices, those who carry out disappearances and those who knowingly aid and abet them, should be made known to the public. The investigation, prosecution and punishment of those responsible for disappearances should conform to internationally recognized principles of due process of law and should not be subject to any limitation of time;

(b) That no laws and decrees should be enacted or maintained which, in effect, shield the perpetrators of disappearances from accountability;

(c) That the duty to investigate, prosecute and punish those responsible for gross abuses of human rights such as disappearances is commensurate with the extent and severity of the abuses and the degree of responsibility for such abuses. It is essential that there should be no granting of immunity either because of the identity of those responsible for gross abuses of human rights or because of the identity of the victims;

(d) That the prosecution and punishment of offences involving gross violations of human rights such as disappearances should be dealt with in civilian courts, even if those being prosecuted have been or are members of the armed forces;

(e) That obeying orders (in circumstances other than duress) is not a valid defence argument against charges of responsibility for disappearances; obeying orders is merely a mitigating circumstance that may be taken into account by judges according to the facts of each case.

23. Replies to this letter were received from the Governments of Bahrain, Byelorussian SSR, Bolivia, China, Colombia, Cuba, Cyprus, Egypt, Iran (Islamic Republic of), Iraq, Mexico, Myanmar, Namibia, Pakistan, Papua New Guinea, Paraguay, Philippines and Rwanda.

24. The Working Group decided, at its thirty-fifth session, to continue its consideration of this matter in 1992. A more comprehensive picture of national legislative approaches and governmental views will enlarge the scope of the analysis and allow the Working Group to make relevant recommendations on this question.

25. In accordance with its mandate as contained in resolution 1991/41 (para. 12) and resolution 1991/70, and at the request of non-governmental organizations and individuals in different countries, the Working Group undertook "prompt intervention" with respect to several cases of intimidation or reprisal concerning relatives of missing persons, lawyers in cases of disappearance, witnesses to such cases, non-governmental organizations which regularly provide the Working Group with information on disappearances, and persons involved in the identification of corpses found in unmarked graves which are alleged to be those of missing persons. More information on the action taken under the above-mentioned resolutions is contained in the country subsections.

26. During the year, the Working Group also examined information communicated to it by Governments in accordance with Commission resolution 1991/29, entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", and has included in the country subsections a summary of the information received.

D. Communications with non-governmental organizations and relatives of missing persons

27. As mentioned previously, in 1991 the Working Group received thousands of new reports of individual cases of disappearance which it could not process and transmit to Governments owing to serious constraints of time and resources. New cases were transmitted by a considerable number of non-governmental organizations which contacted the Working Group for the first time this year. A list of such organizations appears in annex I to this report.

28. As in previous years, the Working Group received reports concerning harassment, persecution and killing of relatives of missing persons, officials, lawyers and members of non-governmental organizations involved in reporting cases of disappearance or in the investigation of cases. According to the information received, relatives of missing persons, witnesses and human rights organizations were subjected to acts of intimidation or reprisals; and officials in charge of inquiries, lawyers and international experts providing specific support for specialized tasks related to the identification of corpses were threatened and harassed. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life and the security of the person making the report. It happened very frequently that close relatives of missing persons and the organizations to which they belonged were accused of being "subversive" if they even mentioned the fact that their relative was missing. Members of the judiciary and members of national institutions dealing with investigations were often reluctant to undertake any

kind of investigation, including the identification of corpses, for fear of reprisals. Under such conditions, internal remedies, where they existed in the national legislation, were totally ineffective. Further information on such allegations will be found in the respective country subsections and in the addendum to the present report.

29. The following non-governmental organizations sent the Working Group their comments and observations on the question of impunity and on specific tentative considerations included in the letter addressed to them by the Working Group: the American Association of Jurists (AAJ), Americas Watch (AW), Amnesty International (AI), the Association of French Families of Political Prisoners in Guinea (AFFPPG), the Centre of Studies and Action for Peace (CEAPAZ), the Coalition Against Impunity (CAI), the Commission of Human Rights in El Salvador (CODEHS), the Commission for the Defence of Human Rights in Central America (CODEHUCA), the Committee for the Defence of Human Rights in Honduras (CODEH), the Guatemalan Human Rights Commission (CDHG), the International Commission of Jurists (ICJ), the International Federation Terre des Hommes (FITDH), the International League for Human Rights (ILHR), the International League for the Rights and Liberation of Peoples (Colombia), Kisulang Mayo Uno (the Philippines), Monsignor Oscar Arnulfo Romero Christian Legal Aid (San Salvador), the Oecumenical Movement for Human Rights (MEDH) (Argentina), the Peace and Justice Service in Latin America (SERPAJ-AL), the Sikh Human Rights Group and the Uruguayan Bar Association (Colegio de Abogados del Uruguay).

30. Several non-governmental organizations reported on exhumation of corpses discovered in unmarked graves. Some of the reports indicated that in certain countries forensic work to identify the corpses was carried out with the cooperation of governmental institutions and with the unhindered cooperation of the relatives of the missing person; in some countries, the Government concerned was providing resources and financial support for this task. However, in other cases the few exhumations that have taken place occurred only after repeated requests from relatives and local human rights groups. It was also reported that in certain countries those requesting exhumations have frequently faced harassment and threats and, on some occasions, have also been the victims of abduction attempts. In addition, in some of the instances where bodies had been legally exhumed, the civilian officials and victims' families involved in the legal proceedings had also received threats.

31. In this connection, non-governmental organizations noted that trying to conceal evidence relating to disappearances did not contribute to the elimination of the phenomenon. It was necessary to shed the maximum possible light on what had happened, to conduct investigations and to institute legal proceedings against those responsible in order to prevent the recurrence of such acts in the future.

32. The Latin-American Federation of Association of Relatives of Disappeared Detainees (FEDEFAM) extended an invitation to the Working Group to attend the eleventh congress of the organization, to be held in Santiago, Chile,

from 4 to 10 November 1991. The members of the Working Group discussed the matter at its thirty-fourth session and decided to accept the invitation. However, owing to previous engagements, the designated member of the Group from Latin America was unable to attend.

E. Development of methods of work

33. The Working Group has progressively developed its methods of work and reflected its decisions thereon in its reports to the Commission at its forty-fourth, forty-fifth and forty-seventh sessions (E/CN.4/1988/19, paras. 16-30; E/CN.4/1989/18, para. 23; E/CN.4/1990/13, paras. 25-28; and E/CN.4/1991/20, paras. 23-26). This year, the Working Group decided to include the following paragraph in its methods of work:

> "If the reply clearly indicates that the missing person has been found dead, in arbitrary but acknowledged detention, or has been a victim of other human rights violations for which, allegedly, government officials or groups of individuals linked to them are responsible, the case is transferred by the Working Group to the corresponding thematic procedure".

34. In compliance with the request of the Commission on Human Rights contained in resolution 1991/70 and in paragraph 17 of resolution 1991/41, the Working Group at its thirty-third session considered the question of cases that would be admissible for prompt intervention under the terms of both resolutions. This matter had also been considered by the Working Group in 1990 (see E/CN.4/1991/90, para. 26). This year, the Working Group decided that, in accordance with resolution 1991/41, it will take action (prompt intervention) in any case of intimidation or reprisals against individuals or institutions, public or private, who are reporting or investigating cases or situations relating to disappearances and, in accordance with resolution 1991/70, in those cases where access to United Nations human rights procedures has been the cause of intimidation or reprisals. The Working Group will take action when there is a request from the individual concerned or from a non-governmental organization having a working relationship with the Working Group or having made a responsible judgement as to whether action by the Working Group would be in the interest of the victim.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP

Afghanistan

Information reviewed and transmitted to the Government

35. The Working Group's activities in relation to Afghanistan are recorded in its last five reports to the Commission. 1/

36. No cases of disappearance were reported to have occurred in 1991. By a letter dated 18 April 1991, the Working Group reminded the Government of the four outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	4
IV.	Government responses	0

Angola

Information reviewed and transmitted to the Government

37. The Working Group's activities in relation to Angola are recorded in its last eight reports to the Commission. 1/

38. No cases of disappearance were reported to have occurred in 1991. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the seven outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	7
III.	Total number of cases transmitted to the Government by the Working Group	7
IV.	Government responses	0

Argentina

Information reviewed and transmitted to the Government

39. The Working Group's activities in relation to Argentina are recorded in its 11 previous reports to the Commission. 1/

40. During the period under review, the Working Group, in accordance with its methods of work, transmitted to the Government the case of a child whose birth was proved by a forensic examination performed on her mother's dead body, which had been found and identified. The case of the mother, who was pregnant when arrested, was consequently considered clarified and the Government was notified by a letter dated 18 September 1991.

41. In a letter dated 18 April 1991, the Government was informed that the case of a Chilean national arrested in Argentina who was later seen in a detention centre in Chile had been deleted from the lists and statistical summary of Argentina. By the same communication, the Working Group reminded the Government, once again, of all outstanding cases. By another letter dated 18 April 1991, the Working Group reminded the Government of the letter addressed to it on 14 June 1990, in which the Group had expressed concern that thousands of cases of disappearances that had occurred in Argentina remained unclarified and requested the Government to provide information on the judicial, administrative or institutional measures it envisaged applying to clarify such cases. It had also requested the Government to provide specific details on the proceedings, mechanisms or legal remedies available to relatives who wished to continue the investigation into the fate or whereabouts of their family members.

42. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Argentina or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

43. Reports on cases and reports on the human rights situation in Argentina were received from Amnesty International, Americas Watch and the Grandmothers of Plaza de Mayo.

44. Non-governmental organizations deplored the fact that the laws of punto final and obediencia debida, together with two pardons issued by the present Government in 1990, had ended a process in which attempts were being made to enforce accountability for human rights violations committed in the past. During that process, the majority of Argentines had learnt what had happened during the "dirty war" and a vigorous awareness of the importance of human rights had since developed in the population. As a consequence of the

above-mentioned laws and pardons, hundreds of officers, including the commanding generals, had been granted amnesty although their responsibility for human rights abuses committed by them or in the areas under their command had been proven.

45. According to the reports, the present administration had also failed to show concern for the plight of the victims of the "dirty war". Attempts to provide compensation had failed and the Government provided no support for the efforts to exhume and identify the hundreds of remains of those believed to be the victims of disappearances that had been found in clandestine grave sites around the country.

46. It was also reported that the present administration had failed to investigate alleged violations of human rights such as summary executions, disappearances and torture committed, after their surrender, against members of a political group responsible for an armed attack on a military regiment in 1989. According to the report, the failure to complete this investigation was a disturbing precedent in that it might signal a lack of commitment on the part of the Government to uphold human rights; this fact, together with the presidential pardon for persons accused of gross violations of human rights during the years of military dictatorship, might also be interpreted as demonstrating that the Government was prepared to allow those responsible for such deeds to evade responsibility for their crimes.

47. It was further reported that members of organizations of relatives of disappeared persons, members of the judiciary reviewing cases in which armed forces personnel had been sentenced for an uprising on 3 December 1990, as well as journalists and other individuals who had criticized the Government, were recently attacked, threatened and intimidated by unidentified persons believed to be linked to military or security personnel. Death threats and attacks against the Mothers of Plaza de Mayo allegedly started when the president of this organization made a strong statement against the decision taken by the Government in December 1990 to pardon members of the former military juntas convicted of human rights violations.

Information and views received from the Government

48. By note verbale dated 31 October 1991, the Government transmitted to the Working Group a statement by the National Directorate on Human Rights of the Ministry of the Interior, in which it was indicated that relevant inquiries were at present being held in the various courts in relation to cases of disappearances. The complaints submitted by individuals to the former National Commission on Disappearances (CONADEP) had all been referred to the judiciary, which had in some cases successfully completed its work. Nevertheless, the majority of those cases still remained unsolved.

49. The fate of a large number of missing people had been determined as a result of the unremitting search for information of their relatives and the work of the Argentine Team of Forensic Anthropology, a non-governmental organization which had been asked by the judiciary to disinter and identify

nameless corpses which might be those of persons whose disappearance had been reported. However, many relatives had given up the search, no non-governmental organization was currently involved and the cases that were still before the judiciary had not so far produced satisfactory results.

50. The official report produced in 1984 by CONADEP (National Commission on the Disappearance of Persons) entitled "Nunca más" explained the reasons why most cases remained unclarified: "... we have to put together a sinister jigsaw puzzle, many years after the events occurred, when all the tracks have been deliberately wiped out, all documentation burnt and even buildings demolished ..."

51. The work carried out during the functioning of the Commission had made it possible to establish that a large amount of documentation had been destroyed or was still being concealed by the perpetrators of the campaign of repression. All the immense and complex apparatus set up to execute the clandestine repressive activity and the gigantic infrastructure that it required had resulted from orders, preparations, communications and transactions which were undoubtedly written down and recorded. Enormous resources had been made available, staff had been assigned, major constructions had been built and entire buildings restored to adapt them as clandestine detention centres. This presupposed the existence of the documentation which was essential to carry out such an undertaking. All the abducted persons had been identified and complete files made up on each of them, copies of which had been distributed to the various security and intelligence organizations. Only a tiny part of such documentation had been tracked down, in the course of an arduous investigation, and it was on the basis of this that it was possible to put together part of the jigsaw puzzle of terror that had reigned in the country.

52. The restrictions encountered by CONADEP in its investigatory work had been described in its report dated 3 May 1984, which stated:

> "In addition to the obstinate silence of those who, knowing themselves to be responsible, keep their actions anonymous under the seal of military secrecy, there is also the incompleteness, slowness or emptiness of the replies to our requests. In other words, the main task assigned to this Commission - determining the whereabouts of the missing persons - has come up against an essential lack of documentary information concerning the specific operational orders of the repressive action and the identification of the persons detained, accused, sentenced, released or executed and the places in which they were detained or in which they ought to have been given civilized burial."

Statistical summary

I.	Cases reported to have occurred in 1991	1
II.	Outstanding cases	3,385
III.	Total number of cases transmitted to the Government by the Working Group	3,460
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	2,942
	(b) Cases clarified by the Government's responses [a]	43
V.	Cases clarified by non-governmental sources [b]	32

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[a] Persons arrested and released: 19
Children located by non-governmental organizations: 6
Persons whose bodies were located and identified: 11
Persons whose cases were not disappearances: 7

[b] Persons released from detention: 7
Children located by non-governmental organizations: 8
Persons whose bodies have been located and identified: 17

Bolivia

Information reviewed and transmitted to the Government

53. The Working Group's activities in relation to Bolivia are recorded in its previous 11 reports to the Commission. [1]

54. No cases of disappearance were reported to have occurred in 1991. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the 28 outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	28
III.	Total number of cases transmitted to the Government by the Working Group	48
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	33
	(b) Cases clarified by the Government's responses a/	20

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a/ Persons released from detention: 18
Persons officially reported dead: 2

Brazil

Information reviewed and transmitted to the Government

55. The Working Group's activities in relation to Brazil are recorded in its last 10 reports to the Commission. 1/

56. No cases of disappearance were reported to have occurred in 1991. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the 47 outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

57. Americas Watch provided the Group with a report on the search for the disappeared in Brazil. In relation to the discovery of corpses buried at Dom Bosco cemetery, in Sao Paulo, it was reported that on 5 September 1990, the Sao Paulo municipal chamber set up a Special Commission of Inquiry to establish the fate of the persons buried at that cemetery. A seven-member panel took testimony from cemetery and morgue officials, grave diggers, police personnel and coroners ("medicolegistas"). In relation to the latter, there were allegations that the coroners had produced false autopsy reports concerning corpses handed over to them by security services. According to those allegations, it emerged from the questioning of officials of the medico-legal department that people who had been detained and killed in 1972 (either by execution or as a consequence of torture) were said to have "died in a shoot-out with security agents" and that even the dates of their deaths had been falsified.

58. It was also reported that by early December 1990, the Brazilian scientists had removed the skeletons (1,048 in all) from the mass grave at the Dom Bosco cemetery and transferred them to the University of Campinas for laboratory studies. Thus, six missing persons whose remains were buried in the grave had been identified. (Those cases did not appear on the Working Group's lists.)

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	47
III.	Total number of cases transmitted to the Government by the Working Group	49
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	49
	(b) Cases clarified by the Government's responses a/	2

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a/ Persons detained: 2

Burkina Faso

Information reviewed and transmitted to the Government

59. The Working Group's activities in relation to Burkina Faso are recorded in its previous report to the Commission. 1/

60. No cases of disappearance were reported to have occurred in 1991. By a letter dated 18 April 1991, the Working Group reminded the Government of the three outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	0

Chad

Information reviewed and transmitted to the Government

61. The Working Group's activities in relation to Chad are recorded in its previous three reports to the Commission. 1/

62. In 1991, the Working Group did not receive any reports on cases of disappearance in Chad. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the outstanding case transmitted in the past. The Government has provided no information on this case and the Group, therefore, is still unable to report on the fate or whereabouts of the missing person.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	2
IV.	Government responses	1

Chile

Information reviewed and transmitted to the Government

63. The Working Group's activities in relation to Chile are recorded in its last 11 reports to the Commission. 1/

64. During the period under review, the Working Group transmitted to the Government of Chile, five newly reported cases of disappearance, which were reported to have occurred in 1973. The Group also retransmitted to the Government two cases containing additional information received from the sources.

65. By letters dated 18 June and 18 September 1991, the Government was notified that two cases were considered clarified, one based on its replies and one on the basis of further information provided by the sources, while in another case the Group had applied the six-month rule.

66. By letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Chile or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

67. The five newly reported cases of disappearance were submitted by the Group of Mothers and Families of Detainees, and concerned five Uruguayans who were living in Chile and were arrested in 1973 after the coup d'état. These people had left Uruguay for political reasons.

68. Reports on the general situation of human rights in Chile were submitted by the Committee for the Defence of People's Rights, by the Andean Commission of Jurists and by Americas Watch. The Working Group also received the fifth report of the Comisión Chilena de Derechos Humanos on newly found human remains which belonged to persons who had been executed during the 1970s and who had been buried in clandestine sites.

69. In addition, general information was received from different sources stating that irrespective of the amendments during the past year to repressive legislation enacted by the former Government, much more needed to be done to ensure that military courts did not continue to infringe on areas under civilian jurisdiction.

70. Military jurisdiction was reported to have expanded during the Pinochet regime to cover most criminal acts committed by military or police personnel, and military tribunals had been consistently reluctant to investigate and punish violations of human rights for which such personnel was held responsible. When lower courts and appellate judges attempted to investigate human rights abuses, the Supreme Court not only failed to support them, but in some cases actually punished them. During the present adiministration, the Supreme Court was reported to have continued to approve military demands for the transfer of human rights cases, often before the stage of formal indictment had been reached (for example, in the case of the common grave uncovered in June 1990 in Pisagua). In addition, the amnesty law enacted in 1978, which implicitly included disappearances, extrajudicial executions and torture, continued to be applied to such crimes committed before 1978; cases were closed without investigation by the Court Martial, while the Supreme Court rejected petitions challenging the Court Martial's position.

71. The continuing application of the amnesty had thus prevented investigation into cases which occurred during 1978 and as a result none of those disappearances had been legally clarified, although, in many cases, strong evidence existed as to the circumstances of detention, places of confinement, torture of the victims and the specific agents and officers of the Dirección de Inteligencia Nacional (DINA) responsible. Efforts made by the executive to encourage the Supreme Court to change its position on applying the amnesty found wide popular support; however, they did not succeed.

72. Two attempts (the case of the 70 and the case of the 13 or Cerda case) made during the new administration to apply an amendment to constitutional article 5 (introduced in July 1989), which established the Government's duty to act in conformity with international human rights instruments ratified by Chile, had been rejected by the Supreme Court. In relation to the 70 cases of disappearances the Court argued that the Geneva Convention did not apply to conditions in Chile in the mid-1970s because the country was not at war, and

that the Convention on the Punishment and Prevention of the Crime of Genocide, ratified by Chile in 1949, did not apply because it was not implemented by any Chilean domestic law. Regarding the case of the 13, the Supreme Court rejected in August 1989 the argument of the plantiff's lawyers according to which the applicability of the international instruments ratified by Chile was considered superior to the amnesty law.

Information and views received from the Government

73. By a letter dated 22 January 1991 the Government of Chile updated the list of persons who had disappeared under the previous regime, indicating that 1,002 cases had been reported to the Government. The increase in the number of reports of disappearances was due to the fact that relatives of missing persons felt that they could now report the cases to the democratic Government without fear of reprisals. It also provided further information on two cases, corrected the spelling of places and names of some missing persons in a list that had been provided by the Working Group and drew the attention of the Group to the duplication of two cases in a list, which resulted in a total of 463 cases transmitted to the Government instead of 465. The Group's files have been corrected accordingly.

74. By a note verbale dated 3 December 1991, the Permanent Mission of Chile to the United Nations Office at Geneva transmitted the reply of the Government concerning the decisions taken by the Working Group at its thirty-fourth session. Since this reply, which concerned several cases of disappearance, reached the Working Group too late to be processed for inclusion in the present report, the Group decided to consider this information at its next session.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	462
III.	Total number of cases transmitted to the Government by the Working Group	468
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	6
	(b) Cases clarified by the Government's responses a/	1
V.	Cases clarified by non-governmental sources b/	5

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a/ Person released: 1

b/ Person released: 1
Persons dead (body found and identified): 4

China

Information reviewed and transmitted to the Government

75. The Working Group's activities in relation to China are recorded in its last two reports to the Commission. 1/

76. During the period under review, the Working Group transmitted nine newly reported cases of disappearance to the Government of China, of which five were reported to have occurred in 1991 and were transmitted by cable under the urgent action procedure.

77. By letters dated 18 September 1991 and 13 December 1991, the Working Group notified the Government that 10 cases, for which it had received a reply, would be considered clarified provided the sources did not raise objections within six months of the date on which they were informed of the Government's reply. In connection with two further cases the Group informed the Government that it had decided to extend this period for another six months in view of reported difficulties of communication with the families concerned.

78. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

79. In a letter dated 18 September 1991, the Working Group informed the Government of reports it had received about developments in China having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

80. The majority of newly reported cases of disappearances transmitted to the Government during 1991 were submitted by the Minority Rights Group (MRG), the International League for Human Rights (ILHR) and the Tibet Information Network (TIN).

81. General reports on the human rights situation in the country were received from the Law Association for Asia and the Western Pacific (LAWASIA) the Human Rights Standing Group and the Tibet Information Network. These organizations also submitted information of a general nature relevant to the problem of disappearances.

82. Reports indicated that while about 1,000 persons arrested in 1989 were released from detention in 1991, hundreds of others remained in detention and some remained disappeared. It was also pointed out that although martial law was lifted in 1990, certain decrees contravening the Constitution and other national laws allegedly continued to allow for administrative detentions to be

carried out without prior authorization or judicial review. Police authorities were said to have been granted wide powers to detain persons without charges, for renewable periods of up to three months. This practice was considered to be conducive to the occurrence of disappearances.

83. In the Autonomous Region of Tibet police and security forces were also alleged to continue to dispose of wide powers to arrest or detain without charges or prior notice. On 1 May 1990 martial law was reportedly lifted after 14 months. Nevertheless, several persons have been reported to have disappeared since the end of 1990. As a result of the pro-independence movement's activities in 1987, all acts considered to be a danger to national unity or social stability had been strictly forbidden, including all public demonstrations and the manifestation of religion in public.

84. Detentions and disappearances of some 11 poets, accused of publishing subversive material in the Zechuan region were also reported. Religious leaders, both Catholic and Protestant, were said to have been subjected to prolonged detention without trial or after secret trial. Several sources held the view that these trials did not provide the minimum judicial guarantees.

Information and views received from the Government

85. By letters dated 26 March, 26 September and 1 November 1991, the Permanent Mission of the People's Republic of China provided the following replies on cases previously transmitted to the Working Group, indicating that three of the missing persons were being tried by a court, one had travelled abroad, three persons had been released and another was living at home. In a further case, the Government stated that the Chinese Embassy in India had never issued a visa to a Tibetan woman to return home.

86. By a communication dated 1 November 1991, the Permanent Mission of China provided comments on the allegations contained in the Working Group's letter of 18 September. It stated that freedom of speech, association, assembly, travel and religious belief were basic civil rights laid down by the Chinese Constitution and law. The Chinese Government had unfailingly safeguarded these legally established rights of its citizens. Since 1987, Tibetan separatist elements had repeatedly mounted violent incidents in the capital of Tibet Autonomous Region, Lhasa, with the aim of shattering the unity of the fatherland and dividing the country, so endangering normal public order and occasioning grave losses of people's lives and property. The Central Chinese Government and the Government of the Tibet Autonomous Region had taken the necessary steps to put a stop to such unlawful activities as prescribed by law. It was also stated that no countries on earth could tolerate this kind of lawless activity disrupting public order.

87. It also said that Tibet was an autonomous region under the jurisdiction of the Central Chinese Government, whose standards and foundations for its judicial organs in enforcing local legal jurisdiction came from the Constitution and the law. In matters of arrest and detention of wrongdoers they fully complied with the relevant stipulations of the Chinese Penal Code and Code of Criminal Procedure.

88. It further stated that the overwhelming majority of the people legally detained for taking part in the repeated illegal disturbances in Lhasa between September 1987 and March 1990 had been granted leniency and released within the time-limits laid down by law; only a small minority were given penal sentences or subjected to administrative penalties. According to the Government, it was not correct to speak about "hundreds" of people arrested in 1989 "remaining in detention" and "several monks and nuns disappearing"; inquiries had established that there had been neither cases of "religious leaders, Catholic or Protestant" being subjected to "prolonged detention without trial or with secret trial", nor of "11 poets having been detained or disappearing in the Zechuan region".

Statistical summary

I.	Cases reported to have occurred in 1991	5
II.	Outstanding cases	40
III.	Total number of cases transmitted to the Government by the Working Group	43
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	38
	(b) Cases clarified by the Government's responses a/	1
V.	Cases clarified by non-governmental sources b/	2

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a/ Person released: 1.

b/ Persons in prison: 2.

Colombia

Information reviewed and transmitted to the Government

89. The Working Group's activities in relation to Colombia are recorded in its last six reports to the Commission, 1/ as well as in the report on the visit to the country which took place in 1988 (E/CN.4/1989/18/Add.1).

90. During the period under review, the Working Group transmitted 25 newly reported cases of disappearance to the Government of Colombia, of which 20 were reported to have occurred in 1991. Ninenteen of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government two cases containing additional information received from the sources.

91. By letters dated 18 September and 13 December 1991, the Government was notified that eight cases were considered clarified, six based on its replies and two on the basis of further information provided by the sources. The Government was also informed that 12 cases would be considered clarified provided the sources did not raise objections within 6 months from the date on which they were notified of the Government reply. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

92. In a letter dated 18 September 1991, the Working Group informed the Government of reports it had received about developments in Colombia having an influence on the phenomenon of disappearance or the solution of the cases not yet clarified.

93. In accordance with a decision taken by the Working Group at its thirty-fourth session, a letter dated 30 August 1991 was sent to the Government of Colombia containing a number of questions involving substantive issues recommended by the Group in its report on the 1988 mission to the country, since the information provided by the Government following a reminder in August 1990 was incomplete.

94. The Working Group also transmitted to the Government allegations of intimidation and harassment against relatives of 41 peasants who disappeared in Puerto Bello, Turbo district, in January 1990, drawing its attention to paragraph 10 of Commission on Human Rights resolution 1991/41 and paragraphs 1 to 3 of resolution 1991/70. Considering that the situation required prompt intervention, the Working Group transmitted the case by cable.

Information and views received from relatives of missing persons or from non-governmental organizations

95. The new cases transmitted during 1991 were submitted by Amnesty International, the Association of Relatives of Disappeared Detainees (ASFADDES), the Andean Commission of Jurists (Colombian Section), the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) and the International League for the Rights and Liberation of Peoples. Most of the disappearances reportedly occurred in regions under the strict control of the military. Those often reported to be responsible were the army (eight cases), the police (eight cases) and paramilitary groups acting with impunity and believed to have links with members of the security forces (seven cases).

96. According to the information received, despite the fact that important steps had been taken to eliminate some of the factors influencing the violence, such as the demobilization of and negotiations with the guerrilla groups, the enacting of a new constitution and the surrender of important drug traffickers, the human rights situation was reported not to have changed substantially with respect to previous years as shown, *inter alia*, by the figures concerning the number of people killed for political reasons, disappeared or arrested arbitrarily.

97. It has also been reported that the armed forces, a fundamental factor in the violation of human rights, have not been reformed by the new Constitution. On the contrary, the police will continue under the control of the military, and soldiers and police officers will continue to be tried by military tribunals, a serious source of impunity. In addition, the Constitution permits soldiers who commit a crime to argue that they were following orders.

98. With regard to the measures the Government has taken under the state of emergency that affect the human rights situation, information has been received commenting on the "Statute for the Defence of Justice", contained in decree No. 2790 of 20 November 1990 and in its additional decrees Nos. 99 of 14 January and 390 of 8 February 1991. According to the sources, this statute, which applies to crimes related to drug trafficking and terrorism, diminishes the role of the judge at the criminal investigation stage and strengthens the role of the security forces by giving them discretionary powers to gather evidence. Thus, the judicial police can use any appropriate means for that purpose and can decide on the incorporation of evidence into the proceedings at their discretion; only at the trial stage can this evidence be disputed.

99. The statute establishes, inter alia, that from the time a suspect is arrested until the time his legal status is defined, he/she may be kept in administrative detention for up to 18 or, if more than five persons are involved, for up to 35 days; these are the maximum periods of time available to the judge. In addition, no legislation has been enacted concerning places of detention, which means that a person who has been arrested may be kept in military units where arbitrary acts that infringe upon human rights are reported to occur frequently.

100. The habeas corpus procedure has been said to have become more and more difficult to invoke. Under the previous legislation, habeas corpus for the offences of drug trafficking and terrorism came under the jurisdiction of the higher courts located only in the departmental capitals. Under the new decrees, habeas corpus writs can be filed before a criminal or mixed jurisdiction judge but only the Higher Court of Public Order, which sits only in Bogotá, is competent to decide on them. The functions of the technical branch of the judicial police, a civil investigation body, are greatly restricted as compared with respect under the previous legislation, since preliminary inquiries will henceforth be conducted by the public order judicial police investigation units of the Administrative Department for Security (DAS) and the national police. In addition, the statute establishes permanent public order investigation units in the armed forces which will also perform judicial police functions vis-à-vis civilians. As a result, the forces reported to be involved in carrying out disappearances will also be the ones who will conduct the investigations. Searches and interception of communications may be authorized by a military criminal judge when an ordinary judge is not available. The sources also reported that the new military code of criminal procedure did not allow civilians to take part in the proceedings and, consequently, families could not provide evidence.

101. Concerning the question of impunity, the sources reported that there were more than 3,000 deaths every year for political or allegedly political reasons and that neither the present nor the previous Government had taken serious action to punish those responsible or to discharge them from service. In this connection, information was also received concerning a sworn statement made before the head of the Public Ministry's Special Investigations Office by a former member of the military intelligence headquarters in Bogotá accusing members of the Colombian army of involvement in human rights violations in particular cases of disappearance contained in the Working Group's files. The sources also reported that during 1990 and the first month of 1991, only four members of the army and the police were punished for their involvement in cases of disappearances; all were low-ranking officers.

Information and views received from the Government

102. In the course of 1991 the Government provided replies on 59 cases of disappearance by different notes verbales. The majority of them indicated that the cases were being investigated by the competent authorities; others mentioned the fact that the cases had not been denounced to the authorities of the place of arrest or that more details were needed in order to initiate the investigation.

103. In connection with three cases, the Government reported that no grounds had been found for bringing charges against members of the army or the police and with respect to six others it was reported that several members of the army and the police had been indicted. As indicated above, six replies led to the clarification of the corresponding cases.

104. By note verbale dated 27 May 1991, the Government reported that imperative legislation had been enacted and implemented to dismantle the so-called paramilitary groups. For example, decree No. 813/89 contained provisions designed to combat death squads, professional assassins, vigilante groups and private armies, and to establish a coordinating and advisory commission for that purpose. Similarly, decree No. 814/89 established a special armed force to combat those groups and, as a preventive measure, decree No. 815/89 restricted the bearing of arms by private individuals.

105. It was also reported that a committee had been formed to combat the phenomenon of assassination and that, during a meeting of this committee, it had been decided to set up a high-level commission to mobilize all the resources of the State in order to clarify political assassinations and disappearances. The commission's task was to review the investigations which had been started into political crimes and disappearances in order to ascertain the present situation, to shed light on the origin of the phenomenon of assassination, its history and its aims, and to investigate members of the forces of law and order who might be involved in such activities, with a view to taking action to punish them.

106. By note verbale dated 12 July 1991, the Government reported that the Office of the Presidential Adviser for Human Rights, in addition to promoting a series of training courses for instructors in the national police, had launched a national human rights teaching project with the support of the Ministry of Education, with a view to inculcating respect for fundamental rights in children from an early age. In addition, the national Directorate of Criminal Investigation had initiated training for personnel of the technical corps of the criminal police and of the Directorate's investigative officials and entered into an agreement with the School of Public Administration (ESAD) to improve and expand this instruction.

107. By note verbale dated 19 July 1991, the Government reported that the National Criminal Investigation Department had established the national human rights unit and sectional units in the most affected areas of the country, in order that, through them, the Government's national policies in defence of fundamental rights might be developed in conjunction with the agencies concerned, and that internal control might be exercised over investigations of infringements of human rights with the aim of contributing to the speedy and effective administration of justice. A programme for the special treatment of the phenomenon of disappearances, which also included a national plan for the identification of victims, had been put into pratice and was being carried out in stages; in its execution, importance was attached not only to legal effectiveness, but also to the humanitarian factor in that it would provide guidance for the relatives of missing persons.

108. The National Plan for the Identification of Victims, by compiling a structured national file of disappeared persons and unidentified bodies, would assist in the identification of victims, thereby constituting an effective tool for judges and investigative personnel, and aiding victims' relatives.

109. By note verbale dated 16 September 1991, the Government transmitted to the Working Group a copy of the Constitution which came into force on 6 July 1991, as well as some observations on its contents. It stressed, in particular, that the Constitution gave special attention to the principle of due process and the remedy of habeas corpus, and stipulated that all detentions required a written warrant from the competent judicial authority. The Constitution also introduced the remedy of protection, under which any individual could claim before the courts, at any time or place, through a preferential and summary procedure, in person or by proxy, the immediate protection of his fundamental constitutional rights.

110. By note verbale dated 9 December 1991, the Government transmitted a document in reply to the Working Group's letter of 30 August 1991, concerning the recomendations made by the Group following the 1988 mission to the country. Owing to its late arrival, this document could not be taken into consideration in the preparation of the present report. However, it will be carefully studied during the next session of the Working Group.

Statistical summary

I.	Cases reported to have occurred in 1991	20
II.	Outstanding cases	666
III.	Total number of cases transmitted to the Government by the Working Group	825
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	646
	(b) Cases clarified by the Government's responses a/	127
V.	Cases clarified by non-governmental sources b/	32

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a/ Persons at liberty: 27
Persons released: 54
Persons in prison: 9
Persons dead: 36
Persons abducted by rebels: 1

b/ Persons at liberty: 2
Persons in prison: 4
Persons released: 20
Persons dead: 6

Cyprus

111. The Working Group's activities in relation to Cyprus are recorded in its 11 earlier reports to the Commission. 1/ As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus but was not so requested. The Working Group noted that in 1991 the Committee, whose activities were mainly based on the testimony of witnesses and investigations in the field, had held nine sessions involving 40 meetings during which it continued to examine the reports presented to it by the investigative teams under the responsibility of each side.

112. Several important problems of principle were discussed by the Committee, notably the issue of confidentiality regarding the Committee's documents, and that of the criteria to be adopted for reaching conclusions on the fate of the disappeared. The Committee also examined the possibility of providing interim information to the families when the results of the investigations warranted such procedure.

Dominican Republic

Information reviewed and transmitted to the Government

113. The Working Group's activities in relation to the Dominican Republic are recorded in its last six reports to the Commission. 1/

114. During the period under review no cases of disappearance were reported to have occurred. By letter dated 18 April 1991, the Working Group reminded the Government of the one outstanding case.

115. At the request of the Permanent Mission of the Dominican Republic to the United Nations Office at Geneva, the Working Group provided it, by note verbale dated 7 August 1991, with a copy of the outstanding case.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	3
V.	Cases clarified by non-governmental sources a/	2

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a/ Person released from detention: 1
Person living abroad: 1

Ecuador

Information reviewed and transmitted to the Government

116. The Working Group's activities in relation to Ecuador are recorded in its last four reports to the Commission. 1/

117. During the period under review the Working Group transmitted to the Government under the urgent action procedure one case, which was reported to have occurred in 1990. By a letter dated 18 April 1991, the Working Group retransmitted to the Government of Ecuador one case containing additional information received from the sources. The Government was also notified that one case was considered clarified based on its reply. By the same letter the Working Group also reminded the Government of all outstanding cases. By a letter dated 30 August 1991 the Chairman of the Working Group thanked the Government of Ecuador for its invitation to visit Ecuador and informed it that due to previous engagements the visit could not take place in 1991.

118. The Working Group also transmitted to the Government allegations of an attempt to poison an ex-police officer who was in prison in Quito in connection with the investigation of the case of disappearance of the Restrepo brothers, and who was a key witness for the clarification of the said case, drawing its attention to Commission on Human Rights resolutions 1991/70 and 1991/76. The Working Group, considering that the situation required timely intervention, transmitted the case by cable on 4 October 1991.

Information and views received from the Government

119. By a note verbale dated 7 March 1991, the Permanent Mission of Ecuador to the United Nations Office at Geneva informed the Chairman of the Working Group about the Presidential Commission which was established by decree No. 1662 in July 1990 to investigate the disappearance of the Restrepo brothers.

120. In another note verbale, dated 2 April 1991, the Permanent Mission of Ecuador invited the Chairman of the Working Group to visit Ecuador to enable him to verify in situ the efforts that the Government of Ecuador was making to clarify the case of César Garzón Guzmán.

121. By a further note verbale, dated 16 September 1991, the Permanent Mission of Ecuador transmitted a copy of the final report issued by the above-mentioned Commission on 2 September 1991, which described the procedures and investigations carried out, together with the relevant conclusions and recommendations in respect of the fate of the Restrepo brothers and the measures that should be taken to punish those responsible for that distressing occurrence and prevent similar cases from taking place in the future.

122. In view of the above, on the day the report was made public, the President of Ecuador issued decrees Nos. 2693 and 2694, abolishing the Criminal Investigation Service of the National Police, which was directly implicated in the incident, ordering the establishment of a high-level commission to submit, within 45 days, a set of draft regulations to govern the operation of the Judicial Police, which would take over investigative responsibilities, and entrusting the General Police Command with the task of organizing criminal investigation activities and adopting measures to safeguard individual security until the Judicial Police had been organized and become operational. In addition, the office of the Under-Secretary for Justice had been entrusted with the adoption of the necessary measures to safeguard the universal principles of human rights in the investigations carried out by the National Police. Furthermore, the mandate of the Special Commission was extended to allow it to receive complaints relating to disappearances and other cases reported. For their part, the judicial authorities had initiated the appropriate criminal proceedings and had issued detention orders against a number of national police officers for their involvement in this incident.

123. The Government of Ecuador wished to reiterate its intention of making every possible effort to eradicate from Ecuadorian society occurrences such as those denounced by the Special Commission, "which insult the nation's conscience and violate the dignity of human beings and the respect they are due - the very foundations of the social peace that prevails in Ecuador".

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	5
III.	Total number of cases transmitted to the Government by the Working Group	16
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	16
	(b) Cases clarified by the Government's responses [a]	9
V.	Cases clarified by non-governmental sources [b]	2

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[a] Persons detained and duly tried: 2
Persons arrested and extradited to Peru: 2
Persons dead: 3
Person living abroad: 1
Person escaped from detention: 1

[b] Body located and identified: 1
Person at liberty: 1

Egypt

Information reviewed and transmitted to the Government

124. The activities of the Working Group in relation to Egypt are recorded in its sixth, seventh, eighth and ninth reports to the Commission. [1]

125. A newly reported case which occurred in 1991 was transmitted to the Government under the urgent action procedure.

126. By letters dated 18 April and 18 September 1991 the Government was reminded of the two outstanding cases and the summary of one of them was retransmitted with new information provided by the source, which also submitted observations on the Government's reply.

Information and views received from relatives of missing persons or from non-governmental organizations

127. The newly reported case was submitted by the Lawyers Committee for Human Rights and concerned a member of a human rights organization who was detained by individuals reportedly claiming to be government agents attached to the Office of the Presidency.

128. Reports on the general human rights situation in Egypt have been received from the Egyptian Organization for Human Rights and the Lawyers Committee for Human Rights. These organizations expressed concern about abusive treatment of victims of alleged disappearances at the hands of their captors because such victims were beyond the reach of the normal safeguards against abuses established by law. They also alleged that, in the past two years, all possible means of obtaining cooperation from the Government for the clarification of cases of disappearance had been exhausted; they feared that incidents of enforced or involuntary disappearance might increase in the future owing to the laxity shown by the authorities in that regard. The renewal of the state of emergency, which had given free rein to the security forces without supervision or accountability, was an aggravating factor.

Statistical summary

I.	Cases reported to have occurred in 1991	1
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	4
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses a/	1

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a/ Person in prison: 1

El Salvador

Information reviewed and transmitted to the Government

129. The Working Group's activities in relation to El Salvador are recorded in its last 11 reports to the Commission. 1/

130. During the period under review, the Working Group transmitted 46 newly reported cases of disappearance to the Government of El Salvador, of which 30 were reported to have occurred in 1991; 15 of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government one case containing additional information received from the sources. As regards the seven cases transmitted by the Working Group on 20 December 1991 in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

131. By letters dated 18 September and 13 December 1991, the Government was notified that six cases were now considered clarified, five based on its replies and one on the basis of further information provided by the source. The Group also informed the Government that two further cases would be considered clarified provided the sources did not raise objections within six months of the date on which they were informed of the Government's reply. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

132. By a note verbale dated 28 May 1991, the Working Group replied to the Permanent Mission of El Salvador to the United Nations Office at Geneva, which had submitted two cases of disappearances carried out by members of the Frente Farabundo Marti para la Liberación Nacional (FMLN), drawing the Government's attention to paragraph 19 of the Group's methods of work.

133. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in El Salvador or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

134. The newly reported cases of disappearance were submitted by Amnesty International, the Comité de Familiares Pro-Libertad de Presos y Desaparecidos Políticos (CODEFAM), the Archbishopric Legal Aid (Tutela Legal Arzobispado de San Salvador), the non-governmental Commission on Human Rights in El Salvador (CDHES) and the Washington Office on Latin America (WOLA).

135. The disappearances occurred in the departments of Cabañas, Cuscatlán, Chalatenango, La Libertad, La Paz, Morazán, San Salvador, Sonsonate and Usulatán. The forces which allegedly carried out the arrests were described as members of the Second, Fourth and Sixth Infantry Brigades, the Second and Fourth Military Detachments, the Cavalry Regiment, the Military Engineers of the Armed Forces, the Navy Infantry Battallion, the Security Forces (CETIPOL), the Civil Defence, the National Police, the Treasury Police, or simply armed men in plain clothes. The habeas corpus petitions, as well as inquiries addressed to the security forces, yielded negative responses or no results at all. Non-governmental organizations also reported that the dead body of a missing person had been found and identified.

136. Several reports of general concern and information on violence and human rights in El Salvador, as well as evaluation reports on the practice of disappearance, were received from Amnesty International, the Christian Committee for Displaced Persons in El Salvador and the Human Rights Commission of El Salvador.

137. It was reported that, despite a drop in the number of abuses during 1991, reports and information gathered have shown that human rights violations persisted during the period under review. The widespread practice of unacknowledged arbitrary detention in El Salvador was said to be a contributing factor to disappearances. Governmental forces were reported to have arrested and detained persons without a warrant, and to have interrogated and tortured detainees kept in illegal prisons who were subsequently killed or released after having been threatened. Quite often, military or police groups conducted these operations openly, without trying to conceal their participation in the abduction or detention; in such cases, the relatives clearly indicated in their reports the forces responsible for the disappearances.

138. According to the reports, recent developments such as the setting up of the United Nations Observer Mission in El Salvador (ONUSAL) with a mandate to monitor human rights in that country, had awakened the expectation that arbitrary detentions and disappearances would diminish in the future. The Agreement on Human Rights signed by the Government and FMLN in 1990 drew particular attention to the need to prevent "disappearances" and also banned the carrying out of arrests at night, except in cases of *flagrante delicto*. However, certain extreme right-wing groups opposed to the negotiation between the Government and the guerrilla were conducting a campaign of threats and assassinations, thus reviving the involvement of paramilitary groups in such acts.

139. Concern was expressed about some non-governmental organizations such as the Archbishopric Legal Aid (Tutela Legal del Arzobispado), the Permanent Committee for National Debate (CPDN), the Lutheran Church and the National Union of Salvadorian Workers (UNTS), which were subject to harassment and intimidation. This was also the case for members of the press who tried to inform the public. In February 1991, a local non-partisan newspaper received anonymous threats. Last year (1990) armed men in civilian clothing tried, unsuccessfully, to kidnap one of the newspaper's workers. In this connection, it was frequently alleged that the pretext for targeting such organizations and individuals was that they were linked to guerrilla groups.

140. One non-governmental organization reported that in four cases of disappearance, including two minors, the Inter-American Commission on Human Rights (IACHR) had concluded that the Government of El Salvador was responsible for having failed to ensure the rights to life, physical integrity and freedom of the missing persons. IACHR had recommended that the Government carry out an exhaustive investigation with a view to clarifying the circumstances of the disappearances, locating persons concerned, as well as to identifying those responsible and bringing them to justice. It was also stated that, as in previous cases investigated by IACHR, the Government had failed to comply with its obligations under the American Convention on Human Rights.

Information and views received from the Government

141. During its thirty-fourth session, held in Geneva, the Working Group met the Director-General for External Politics, the Executive Secretary of the National Commission on Human Rights and the Minister Counsellor of the Permanent Mission of El Salvador to the United Nations. During the meeting, an invitation to visit the country was again extended to the Working Group. The participants stressed the political will of their Government to solve the problems of the country through a frank and open dialogue and the efforts made by it to improve the judicial system and to strengthen safeguards for individual rights. In relation to the judiciary, a 24-hour (non-stop) system for the reception of habeas corpus writs had been established. In addition, the Supreme Court had recently set up a central office for information on detainees, which was an emergency service functioning non-stop all year round. This office was also in charge of carrying out investigations to locate detainees who had allegedly disappeared. The Government had also established, within military and police units, a mechanism by which the detention of any person by those forces would be duly recorded.

142. Training programmes on human rights matters had been initiated and developed by the governmental Commission on Human Rights and a handbook on basic human rights matters, including legal provisions for arrest and detention and sanctions to be applied in case of non-observance of such provisions, was described. The representatives of the Government further mentioned that promotions in the armed and law-enforcement forces were linked to the individual's record on human rights.

143. By letters dated 6, 8 and 14 August, 9 and 20 September and 8 October 1991, the Government provided information on cases of disappearance previously transmitted by the Working Group indicating that four persons had been released, two had been placed at the disposal of the Justice of the Peace and, in three cases, the relatives of the missing persons were not located, while in a further case the investigation was continuing.

144. By notes verbales dated 24 and 27 May, 9 and 24 July, 2, 8 and 9 August, 14 October and 21 November 1991, the Permanent Mission provided information in connection with Commission on Human Rights resolution 1991/29. According to the Government, FMLN was responsible for the death of members of the armed forces and also for the death of innocent civilians in 10 departments throughout the country. Reports were received concerning seven civilians who had been killed and 24 persons, including children, who had been seriously wounded; in addition, material damage had been caused to 10 vehicles, 12 houses, 2 official buildings and 15 electrical poles in different parts of the country.

145. The Government also reported that three soldiers and a prison inspector had been brought to justice for having respectively killed a man and two minors when they shot indiscriminately into a group of people.

Statistical summary

I.	Cases reported to have occurred in 1991	30
II.	Outstanding cases	2,207
III.	Total number of cases transmitted to the Government by the Working Group	2,581
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	518
	(b) Cases clarified by the Government's responses a/	314
V.	Cases clarified by non-governmental sources b/	60

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a/ Person abducted by rebels: 1
Persons in prison: 159
Persons released: 139
Persons at liberty: 5
Persons dead: 4
Persons in court: 5
Person in hospital: 1

b/ Persons dead: 7
Persons released from detention: 37
Persons at liberty: 4
Persons whose bodies were found and identified: 2
Person executed: 1
Persons in prison: 9

Ethiopia

Information reviewed and transmitted to the Government

146. The Working Group's activities in relation to Ethiopia are recorded in its last nine reports to the Commission. 1/

147. The Working Group received no reports of disappearances occurring in Ethiopia during 1991. In its communication dated 18 April 1991, the Group reminded the Government of all outstanding cases. There has been no response from the Government, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	28
III.	Total number of cases transmitted to the Government by the Working Group	28
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	2
	(b) Cases clarified by the Government's responses	0

Guatemala

Information reviewed and transmitted to the Government

148. The Working Group's activities in relation to Guatemala are recorded in its previous 10 reports to the Commission, 1/ as well as in the report on the visit to the country which took place in 1987 (E/CN.4/1988/19/Add.1).

149. During the period under review, the Working Group transmitted 33 newly reported cases of disappearance to the Government of Guatemala, of which 30 were reported to have occurred in 1991; 31 of those cases were transmitted by cable under the urgent action procedure.

150. By letters dated 18 April, 18 September and 13 December 1991, the Government was notified that three cases were now considered clarified, one based on its replies and two on the basis of further information provided by the sources. The Government was also informed that five cases would be considered clarified provided the sources did not raise objections within six months of the date on which they were notified of the Government's reply.

151. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

152. The Working Group also transmitted to the Government information it had received on situations of intimidation, reprisals or harassment against relatives of disappeared persons, drawing to its attention Commission on Human Rights resolutions 1991/41 and 1991/70. Considering that the situation required prompt intervention, the Working Group transmitted this information on two occasions by cable.

153. In accordance with a decision taken by the Working Group at its thirty-fourth session, a letter dated 30 August 1991 was sent to the Government containing a number of questions involving substantive issues recommended by the Group in its report on the 1987 mission to the country.

154. By letter dated 18 September 1991, the Working Group informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Guatemala or the solution of the cases not yet clarified, and invited the Government to comment on those allegations.

Information and views received from relatives of missing persons or from non-governmental organizations

155. The new cases transmitted during 1991 were submitted by such sources as Amnesty International, Americas Watch, the Central American Association of Relatives of Disappeared Detainees (ACAFADE), the Central American Commission on Human Rights (CODEHUCA), the Guatemalan Commission on Human Rights (CDHG) and the Mutual Support Group (GAM). The reported disappearances occurred mainly in the departments of El Quiché, Escuintla, San Marcos and Guatemala City and the forces most often cited as responsible were the armed forces (10) and armed men in plain clothes acting with impunity and believed to be linked to government forces (17).

156. It was also reported that during 1991 enforced or involuntary disappearances continued to occur at the same rate as in previous years, often followed by the discovery of the victims' bodies bearing signs of torture. As in the past, unidentified armed men in plain clothes, suspected to be linked to the Government's security forces, were reported to have taken the persons who later disappeared in vehicles without number plates, often with tinted windows. In addition, military commissioners and civil self-defence patrols, operating under the aegis and protection of the army, have also carried out some of the arrests leading to disappearances.

157. According to the reports received, the judicial bodies have failed to investigate such incidents, rendering remedies such as habeas corpus totally ineffective. It was stressed in many reports that the main reason why cases of forced or involuntary disappearance were not investigated in Guatemala was a lack of political will to address this problem effectively.

158. The follow-up of cases was reported to be a very difficult and dangerous undertaking both for relatives and for members of domestic or international humanitarian or human rights bodies, who very often were subjected to reprisals. Also, officials involved in the investigation of crimes believed to have been committed by members of the armed forces or under orders from senior military chiefs were threatened and killed, allegedly as a reprisal for having found evidence of the military's involvement in such crimes.

159. Most incidents involving enforced or involuntary disappearances or other violations were reported to have taken place without witnesses; where witnesses existed, fear of reprisals led them not to report what they had seen, so that reliable evidence was very difficult to obtain. It was further pointed out that family members and human rights bodies which wanted disappearances and other violations to be followed up closely had to do it by themselves, with all the risks that this entailed, as the legal machinery did not grant them the necessary protection.

160. It was further alleged that a great many cases had not been reported to government or human rights bodies and far less to the Guatemalan legal system because relatives feared becoming victims themselves or because, when attempts were made to help a disappeared person, he or she was hidden even more effectively or was executed immediately to make sure that such attempts did not succeed.

161. Concerning the location of clandestine cemeteries, it was reported that very often, despite widespread knowledge of where these were located, there had been no efforts by the authorities to examine the alleged sites, exhume any bodies or initiate inquiries into how the persons buried in that place had died. The few exhumations that had taken place occurred only after repeated requests from relatives and human rights groups, even then they were improperly carried out and did not result in any official inquiry into how those exhumed had died, even in cases where eyewitnesses had cited the names of individuals, many of them government agents, who were responsible for the extrajudicial execution of the victim.

162. Those requesting exhumations had frequently faced harassment and threats and, on some occasions, had also been the victims of abduction attempts. In some of the few instances where bodies had been legally exhumed, the civilian officials involved in the legal proceedings had also received threats. Information was received, in particular, on the exhumations carried out in the locality of Chontalá, Chichicastenango, which had had to be interrupted owing to the threats addressed to the relatives, as well as to the team of forensic specialists and anthropologists. In general, the system of death investigation was reported to be archaic and forensic doctors to lack the necessary equipment and skills.

Information and views received from the Government

163. In the course of 1991, the Government provided replies concerning 28 cases of disappearance. In 14 of them the replies contained information on the whereabouts of the reportedly missing persons and the Group decided to consider the cases clarified, provided the sources did not raise objections within six months. In the other 14 cases, the Government reported that investigations were being conducted or that no complaints had been filed with the competent authorities or that the names did not appear in the records of detention centres. By letter dated 9 July 1991, the Attorney for Human Rights informed the Working Group that an investigatory commission on disappeared persons had been established within his office.

164. By various notes verbales, the Government, in accordance with Commission on Human Rights resolutions 1990/75 and 1991/29, transmitted information on the activities of irregular armed groups as a result of which approximately 53 persons, some of them civilians, were said to have been killed and about 40 others injured in different departments of the country. Other incidents, such as the destruction of electricity and telecommunications pylons, as well as houses and bridges, were also mentioned. No cases of disappearance, however, were reported.

165. By letter dated 5 December 1991 the Government referred to the recommendations made by the Working Group in its letter of 30 August 1991 concerning the implementation of the observations contained in its report of the 1987 mission to the country, and indicated that full information concerning the current human rights situation in Guatemala had been provided to the Expert appointed by the Commission on Human Rights.

Statistical summary

I.	Cases reported to have occurred in 1991	30
II.	Outstanding cases	2,994
III.	Total number of cases transmitted to the Government by the Working Group	3,119
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	150
	(b) Cases clarified by the Government's responses a/	50
V.	Cases clarified by non-governmental sources b/	75

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a/ Persons dead: 4
Persons in prison: 4
Persons released: 25
Person not detained in the country: 1
Persons at liberty: 16

b/ Persons reported dead: 27
Persons whose bodies were found and identified: 15
Person in prison: 1
Persons released: 23
Persons at liberty: 9

Guinea

Information reviewed and transmitted to the Government

166. The Working Group's activities in relation to Guinea are recorded in its last eight reports to the Commission. 1/

167. No case of disappearance was reported to have occurred in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of the 21 outstanding cases transmitted in the past. At the request of the Permanent Representative of Guinea to the United Nations Office at Geneva, the Working Group provided it, by letter dated 2 May 1991, with summaries of all oustanding cases.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	21
III.	Total number of cases transmitted to the Government by the Working Group	28
IV.	Government responses	0
V.	Cases clarified by non-governmental sources a/	7

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a/ Persons dead: 7

Haiti

Information reviewed and transmitted to the Government

168. The Working Group's activities in relation to Haiti are recorded in its last eight reports to the Commission. 1/

169. During the period under review the Working Group transmitted to the Government one case reported to have occurred in 1990. By letter dated 18 April 1991, the Working Group reminded the Government of the 21 outstanding cases transmitted in the past. At the request of the Permanent Representative of Haiti to the United Nations Office at Geneva, the Working Group provided it, by letter dated 25 June 1991, with summaries of all outstanding cases and with summaries of all cases of disappearances transmitted to the Government.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	18
III.	Total number of cases transmitted to the Government by the Working Group	27
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	13
	(b) Cases clarified by the Government's responses a/	9

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a/ Persons at liberty: 4
Persons in prison: 5

Honduras

Information reviewed and transmitted to the Government

170. The Working Group's activities in relation to Honduras are recorded in its last nine reports to the Commission. 1/

171. During the period under review, the Working Group transmitted, under the urgent action procedure, three newly reported cases of disappearance to the Government of Honduras. The Group also retransmitted to the Government a total of three cases containing additional information received from the sources.

172. By letters dated 18 April and 13 December 1991, the Government was notified that the three cases transmitted under the urgent action procedure were now considered clarified, on the basis of further information provided by the source. The Group also informed the Government that two further cases would be considered clarified provided the sources did not raise objections within six months of the date on which they were informed of the Government's reply. At the request of the Government, by letter dated 23 May 1991, the Group provided it with the summaries of all outstanding cases and the summaries of all cases clarified to that date. By letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases.

173. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Honduras or the solution of the cases not yet clarified.

174. The Working Group also transmitted to the Government allegations concerning the killing of Marco Tulio Hernández, the brother of a missing person and the son of the President of the Committee of Relatives of Disappeared Detainees in Honduras (COFADEH). The Working Group expressed deep concern for the life and security of the missing person's relatives and drew the attention of the Government to Commission on Human Rights resolutions 1991/41 and 1991/70 requesting the Government to provide information on the progress of the investigation into Mr. Hernández's death as well as on measures taken to protect the life and security of the relatives of disappeared persons whenever they are subject to threats or intimidation.

Information and views received from relatives of missing persons or from non-governmental organizations

175. The newly reported cases of disappearance were submitted by Amnesty International and the Committee for the Defence of Human Rights in Honduras (CODEH); both organizations later reported that the missing persons had been finally located in a prison in El Salvador. These organizations also provided general information on disappearances and further details on certain cases

previously submitted. Other reports of general concern were received from Americas Watch, the International Association Against Torture (AICT), the Inter-Church Committee on Human Rights in Latin America and Amnesty International.

176. The above-mentioned non-governmental organizations expressed disappointment over the fact that successive Honduran Governments had failed to meet their responsibility in providing the victims' relatives with an objective account of what had happened to people who had disappeared in the past. In December 1990, the Minister for Foreign Affairs reportedly pledged that cases of disappearances that had occurred in the past would be investigated; however, no details of such investigations or of the mechanisms through which they would be carried out have been made public so far. The possibility that relatives might obtain truth and justice through the courts was remote, since habeas corpus petitions had been totally ineffective in cases of disappearance and no ranking military officer had ever been charged, in spite of evidence of military involvement in disappearances.

177. Attempts by the previous Government to carry out investigations into disappearances had not brought about satisfactory results. The Special Commission of the Armed Forces, in its report of 29 December 1984, concluded that some of the persons reported disappeared could have been victims of the vendetta waged by left-wing or right-wing groups of armed irregulars from outside Honduras, which had carried out clandestine operations on the national territory in the past. The report further concluded that the Special Commission of the Armed Forces should continue to operate for a further 90 days so as to investigate the cases of persons reported disappeared, in accordance with the decision adopted under military law. However, according to the allegations, only a few cases were clarified. In particular, disappearances committed by military or police forces remain unclarified.

178. An amnesty law passed by the Parliament on 10 July 1991, which came into force on 24 July 1991, was considered by non-governmental organizations as an obstacle to investigations into human rights violations. This law granted a "broad and unconditional amnesty to those who, prior to the law coming into effect, had been sentenced, against whom legal proceedings had been initiated or who could be liable to prosecution for certain political or common crimes linked to them". Non-governmental organizations pointed out that killings, torture and unlawful arrests committed by police and military personnel and failure by judges to process habeas corpus petitions in accordance with the law were among offences covered by the amnesty law. In this connection, it was stated that the amnesty law was contrary to international principles calling on Governments effectively to investigate extrajudicial executions, disappearances and torture. In addition, the Inter-American Court for Human Rights, in its rulings concerning cases of disappearances that had occurred in Honduras, noted that the State was obliged to investigate every situation involving a violation of the rights protected by the regional instruments on human rights. The Court's findings that disappearances were a systematic practice in Honduras from 1981 to 1984 created a special obligation for the Government of Honduras to carry out a full investigation. Therefore, by

promulgating the amnesty law, the State of Honduras was avoiding its national and international obligations, since it conferred amnesty without prior action by the State to identify those responsible for extremely serious human rights violations.

Information and views received from the Government

179. On 2 August 1981, the Government, through its Inter-Agency Commission on Human Rights, provided information on four cases that had occurred during the period 1981-1984. For two of the cases, a reply had been received on a previous occasion. The Commission indicated, in relation to one of the cases, that the United Nations High Commissioner for Refugees had reported that the person, a Nicaraguan citizen abducted in Nicaragua and taken to Honduras by a counter-revolutionary group, had returned to Nicaragua. Concerning the other three cases, the Commission transmitted information received from the Department of Population and Migration indicating either that the person had travelled abroad or that several persons with the same name had been recorded as having left Honduras on dates later than that of their alleged disappearance.

180. At its thirty-fourth session, held in Geneva, the Working Group met the Attorney-General of Honduras, the Secretary of the Supreme Court of Justice of Honduras and the Permanent Representative of Honduras to the United Nations Office at Geneva, who stated that their Government was engaged in a process of establishing a social consensus with a view to overcoming underdevelopment. Many Hondurans had returned to their country under an amnesty covering political offences. A new political party formed by persons who had been in exile had been established. New members had been appointed to the Inter-Agency Commission on Human Rights (Comisión Interinstitucional de Derechos Humanos). A report on investigations regarding missing persons, prepared by an investigatory commission of the armed forces in 1984, had been published as a demonstration that the Government had nothing to conceal from national and international public opinion. A new office for public defence had been established within the judiciary, where any citizen could report disappearances or other violations of human rights. A training programme for justices of the peace who did not have a legal education, had been undertaken. The Inter-Agency Commission was preparing a plan to change the structure of the police, with a view to eliminating abuses and disappearances, and the President of Honduras had called for the disbanding of the Nicaraguan "contras", who had committed abuses for which the Honduran armed forces had been blamed.

181. At its thirty-fifth session, the Working Group met the Attorney-General of Honduras, a member of the Inter-Agency Commission for Human Rights and the Permanent Mission of Honduras to the United Nations Office at Geneva, who handed to the Working Group a copy of the 1984 report on missing persons for its information. They conveyed to the Working Group the deep concern of their Government regarding the clarification of cases of disappearance and the efforts made by it to apply the most advanced techniques to the search for the disappeared. They explained that the Inter-Agency Commission was an independent body headed by the Attorney-General, an autonomous official, and formed by representatives of the Executive, Parliament, the Judiciary and the

armed forces. The police was cooperating with the Commission in the search for disappeared persons and, although some investigations had been obstructed, they were continuing and more results were expected in the future. The Commission had made proposals to the President of Honduras with a view to obtaining further progress in the investigations, through the checking of military records.

182. In relation to the amnesty law of July 1991, the Attorney-General stated that, as the guardian of the legitimacy of the national legislation, he had considered that the amnesty covered only political offences and not common crime; since violations of human rights fell under the category of common offences, those responsible could not benefit from the amnesty.

183. The representatives of Honduras also emphasized that, during the present administration, the situation of human rights in Honduras had improved and disappearances no longer occurred as they did during the 1980s. The armed forces were now playing a new role, ensuring that the laws were observed and that human rights were respected.

Statistical summary*

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	128
III.	Total number of cases transmitted to the Government by the Working Group	193
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	123
	(b) Cases clarified by the Government's responses a/	28
V.	Cases clarified by non-governmental sources b/	37

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* During 1991 the file of Honduras was revised and the statistics, in particular those relating to clarifications, were adjusted.

a/ Persons in prison: 5
Persons at liberty: 2
Persons tried and released: 17
Person found dead: 1
Persons deported: 2
Person living abroad: 1

b/ Persons found dead: 4
Persons released from detention: 23
Persons at liberty: 3
Person escaped from a camp: 1
Persons deported: 2
Persons in prison: 4

India

184. The Working Group's activities in relation to India are recorded in its last three reports to the Commission. 1/

185. During the period under review, the Working Group transmitted 12 newly reported cases of disappearance to the Government of India, of which 5 were reported to have occurred in 1991; 3 of these cases were transmitted by cable under the urgent action procedure.

186. By letter dated, 18 September 1991, the Government was informed that, on the basis of its replies, one case was considered clarified. As regards the cases transmitted by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

187. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

188. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in India or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

189. The newly reported cases of disappearance were submitted by Amnesty International, Asia Human Rights Watch and the Sikh Human Rights Group. These organizations reported that, during the period under review, the disappearances in India were related to ethnic and religious divisions which had escalated, particularly in the Punjab and Kashmir regions. According to sources, the disappearances in both regions were primarily attributed to police authorities dressed in civilian clothing and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces.

190. In the Punjab, disappearances and killings were attributed to both governmental authorities and the Sikh separatists. The Working Group was informed that in the Punjab, arrests and detentions of some detainees remained unacknowledged for weeks or months, that scores of disappearances occurred without the security forces admitting that the persons had been arrested or detained, and that many detainees had been killed in custody.

191. Sources further reported that members of human rights organizations in the Punjab who had cooperated with the Working Group remained in constant fear of reprisals, particularly after the arrest and execution, in 1991, of the son of the President of the Punjab Human Rights Organization. Reports indicated that in Kashmir numerous persons allegedly disappeared after "shoot-outs" with security forces. In one reported case in Phazpora, Kashmir, several persons allegedly disappeared when army personnel attacked the locality, killing 25 civilians, most of whom were working in the fields, and setting fire to more than 50 homes.

192. The Working Group received information that writs of habeas corpus had been effective in only a small number of cases, in part because, under article 32 of the Constitution, writs for violations of fundamental rights were restricted to the Supreme Court situated in Delhi and, under article 226 of the Constitution, to the high courts situated in the capital of each state. It was said that many persons were consequently unable to reach the courts to make their petitions; and, in cases where a petition had been filed, the authorities far away from the site of the alleged disappearance could not, or lacked sufficient will or financial resources to, carry out proper investigations. Concern was also expressed that the authorities' inability to ensure the carrying out of investigations, particularly in regions where the rule of law had broken down, contributed to the problem of impunity, which in turn created an atmosphere in which more disappearances could take place.

Statistical summary

I.	Cases reported to have occurred in 1991	5
II.	Outstanding cases	101
III.	Total number of cases transmitted to the Government by the Working Group	119
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	35
	(b) Cases clarified by Government's responses a/	18

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a/ Persons whose bodies were identified: 13
Persons in prison: 3
Persons released: 2

Indonesia

Information reviewed and transmitted to the Government

193. The Working Group's activities in relation to Indonesia are recorded in its last 10 reports to the Commission. 1/

194. During the period under review, the Working Group transmitted 111 newly reported cases of disappearance to the Government of Indonesia, of which 27 were reported to have occurred in 1991. The latter cases were transmitted by cable under the urgent action procedure. As regards the 81 cases transmitted

by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

195. By letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases and, in response to a subsequent request from the Government, forwarded the relevant summaries. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Indonesia or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

196. The newly reported cases of disappearance were submitted by Asia Watch and the oecumenical association "La Paix est possible au Timor Oriental"; the majority of them occurred in East Timor and the Indonesian security forces were allegedly reponsible for the detentions. The Working Group also received reports of a general nature from Amnesty International, the Canada-Asia Working Group, as well as the Indonesia Human Rights Campaign and Asia Human Rights Watch. Concern was expressed at the increasing violations of human rights in East Timor and particularly, in Aceh province in northern Sumatra.

197. During the period under consideration, the Working Group received 17 cases of disappearances in Dili, East Timor, alleged to have been related to the incident of the Santa Cruz cemetery in Dili on 12 November 1991, in which at least 100 persons were reportedly killed and many more wounded when Indonesian security forces allegedly opened fire on peaceful mourners of two youths killed by security forces. The Working Group received information that after the incident numerous persons had been held in unacknowledged detention and some of these were feared killed while in custody.

198. The Working Group also received 13 newly reported cases of disappearances of persons in Aceh province, northern Sumatra, allegedly detained by security forces on suspicion of involvement in the Gerakan Aceh Mekdeka (Free Aceh Movement). These cases were said to have followed the alleged long-standing pattern of arbitrary arrests, partial or complete incommunicado detention and disappearances related to transfers to secret places of detention. In a number of clarified cases of disappearance, information from sources indicated that while in unacknowledged detention these persons were allegedly tortured in what sources described as a systematic manner, either during interrogation or after having confessed. It was also reported that in East Timor the fate of several hundred persons who disappeared in previous years (1987-1990) has still not been disclosed.

Statistical summary

I.	Cases reported to have occurred in 1991	27
II.	Outstanding cases	149
III.	Total number of cases transmitted to the Government by the Working Group	184
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	27
	(b) Cases clarified by the Government's responses a/	23
V.	Cases clarified by non-governmental sources b/	12

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a/ Persons detained in prison: 6
Persons currently residing in named villages: 17

b/ Persons found to be alive: 8
Persons in prison: 2
Persons killed: 2

Iran (Islamic Republic of)

Information reviewed and transmitted to the Government

199. The Working Group's activities in relation to the Islamic Republic of Iran are recorded in its last nine reports to the Commission. 1/

200. During the period under review, the Working Group transmitted 40 newly reported cases of disappearance to the Government of Iran, of which two were reported to have occurred in 1991. The Group also retransmitted to the Government a total of 44 cases containing additional information received from the sources. As regards the two cases transmitted by the Working Group on 20 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

201. By letter of 18 September, the Government was informed that, on the basis of its replies, three cases were considered clarified. However, these three cases were again listed among the outstanding cases since new relevant information and a request to continue the investigation were received from the relatives of the missing persons immediately after the clarification of the cases. By letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases.

202. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations it had received about recent events in Iran having an impact on the phenomenon of disappearance or on the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

203. The newly reported cases of disappearance submitted by Amnesty International concerned persons imprisoned in the prisons of Gohardash, Jahrom, Oroumich, Qom, Isfahan, Tabriz, Evin and other places, who disappeared while in official custody. Two cases submitted by the People's Mojahedin Organization of Iran concerned combatants of the People's Mojahedin Organization captured by Iranian paramilitary forces on the Iran-Iraq border, who were reportedly handed over to Iranian official forces and whose whereabouts were unknown. Non-governmental organizations also provided detailed additional information on cases in which, according to the Government's replies, the persons concerned could not be identified owing to insufficient information.

204. It was also alleged that, in the context of indefinite detention without charges or trial, sentences to prison terms after unfair trials held in camera in the absence of defence lawyers, torture and beatings of prisoners as well as executions after summary trials, many cases of violations of human rights involving disappearances were not reported and, consequently, the number of persons who had disappeared from prison or otherwise was not known. Many persons were held in incommunicado detention without disclosure of the place where they were held, as was the case for 50 members of the People's Mojahedin Organization of Iran whose whereabouts have remained unknown since 1988.

205. According to the testimony of former prisoners who had escaped from the Islamic Republic of Iran, prisoners were executed inside the prisons and it was not possible to estimate the number of routine political executions which had taken place in secret because among the persons executed for criminal offences were said to be a number of political opponents falsely accused of involvement in criminal activities.

Information and views received from the Government

206. By letter dated 14 December 1990, received by the Group after its last session in 1990, the Government of the Islamic Republic of Iran communicated its reply concerning 265 cases. In 247 cases, the reply indicated that the person had not been identified or that the information transmitted was insufficient to identify the person who was allegedly missing. In 15 cases, the Government informed the Working Group that the person was dead, without any further details as to the circumstances in which the death had occurred, the date of death or the place of burial. The reply of the Government in respect of two cases was that the person was living and working in Iran, without any indication as to the place where the person was said to be living. For the remaining case, the Government stated that the person was a prisoner of war in Iraq.

207. The Government of the Islamic Republic of Iran pointed out that the source of information for a number of cases transmitted to it in 1990 was the People's Mojahedin Organization of Iran which was engaged in terrorist activities and, for that reason, was not reliable. This organization, according to the Government's letter, had been involved in more than 5,000 violent terrorist activities resulting in the deaths of thousands of defenceless people. It had claimed to have killed, in the course of military operations, more than 50,000 members of the armed forces and more than 100 high-ranking officials. It had also taken as hostages many Iranian nationals living near the frontier, who had been transferred to military camps on Iraqi territory. During the past 10 years, this organization had carried out more than 2,000 bombings on Iranian territory, 150 armed bank hold-ups and 1,200 acts of looting and pillage.

Statistical summary

I.	Cases reported to have occurred in 1991	2
II.	Outstanding cases	490
III.	Total number of cases transmitted to the Government by the Working Group	491
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	265
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources a/	1

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a/ Person detained in prison: 1

Iraq

Information reviewed and transmitted to the Government

208. The Working Group's activities in relation to Iraq are recorded in its last six reports to the Commission. 1/

209. During the period under review, the Working Group transmitted 370 newly reported cases of disappearance to the Government of Iraq. A group of 142 of these cases, which were reported to have occurred in 1991, were transmitted by cable on 29 July 1991 under the urgent action procedure.

210. By letters dated 18 April, 18 September and 13 December 1991, the Government was informed that, on the basis of its replies, 3 cases were considered clarified and 15 other cases would be considered clarified provided that, within six months of the date on which the Government's reply was communicated to them, the respective families did not make any observation which required further consideration by the Group. By letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

211. In its letter dated 18 September 1991, the Working Group also informed the Government of allegations it had received about recent events in Iraq having an impact on the phenomenon of disappearance or on the solution of the cases not yet clarified.

212. As regards the cases transmitted by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

Information and views received from relatives of missing persons or from non-governmental organizations

213. The newly reported cases of disappearance were submitted by the Organization of Human Rights in Iraq, the Documental Centre for Human Rights in Iraq, the Gulf War Victims' Committee for Disappeared Ones, the Patriotic Union for Kurdistan, and by private individuals. The Organization of Human Rights in Iraq reported 142 cases of disappearance occurring in March 1991. The Documental Centre for Human Rights in Iraq reported 200 cases of disappearance occurring in or about March 1991. The Gulf War Victims' Committee for Disappeared Ones reported 27 cases of disappearance occurring in the early to mid-1980s.

214. Near the end of the year, over 7,500 cases of disappearance that had occurred in 1988 and 1989 in Iraqi Kurdistan were reported by the Patriotic Union for Kurdistan; it was said that many more such cases would be forthcoming from this organization. These cases, submitted in Arabic, are presently being analysed and processed, and will be considered by the Working Group at future sessions.

215. In the course of the year, various reports of a general nature were received from the non-governmental organizations mentioned above, as well as from Amnesty International. In this connection, the Working Group's attention was drawn to the amnesty of 5 April 1991 (originally directed to Kurdish participants in the northern uprisings of March 1991, but later extended, on 29 April and 8 May, both in territorial scope and to all Iraqis) announced by the Revolution Command Council of Iraq. Reports alleged the use of such amnesties to lure persons back to their homes, only to be arrested, tortured, executed or "disappeared", following the alleged pattern of the five amnesty decrees promulgated since September 1988.

216. Concern was expressed over the reported disappearance of thousands of Barzani Kurds who had been taken to the Baharaba camp and other residential complexes near Sulaimaniya and Arbil in northern Iraq several years ago. The whereabouts of these persons (said to number as many as 8,000) has remained unknown since they were removed from the complexes in August 1983 and transferred to unknown destinations.

217. The non-governmental organizations stressed once again that detailed information on missing persons continued to be difficult to obtain, even from close family members, owing to the reported fear of reprisals against those who contributed information. Such fear was understandable, as was the reticence to utilize those domestic remedies said to be available, given the lack of institutional protections and the existence of such laws as Revolution Command Council Resolution 840 of 4 November 1986, which held "slanderers" and "insulters" of the President, Council, political institutions and judicial system liable to sentences of lengthy imprisonment or death. Consequently, the number of the disappeared was alleged to far exceed the number of cases actually reported.

Information and views received from the Government

218. By note verbale dated 5 August 1991, the Government of Iraq replied to the Working Group's cable of 29 July 1991. The Government identified 43 persons as living in Najaf, 15 persons as having fled to Iran and 1 person as having been killed during the March 1991 disturbances; 7 of the persons identified as living in Najaf and 1 person identified as having fled to Iran did not involve cases transmitted to the Government. The Government also replied that "all the women (among the cases transmitted) are alive and have not been subjected to any harassment or summons by the competent authorities". Further, the Government noted the difficulty of identifying and locating persons whose family name and the names of the persons' fathers and grandfathers were not available.

219. By note verbale dated 7 November 1991, the Government replied to the Working Group's letter of 18 September 1991, identifying the specific addresses of 18 persons, of whom 15 were named in the cable of 29 July 1991. In addition, the Government communicated that it had no information on the whereabouts of six persons previously identified by the Government as living in Najaf. The Government repeated its communications relating to the one person said to have been killed in the March 1991 disturbances and relating to three cases never transmitted to the Government.

220. With respect to allegations of a general nature, the Government replied in its note of 7 November 1991 that it was difficult to answer such allegations where there had been no reference to specific incidents or names. In addition, the events of the Iran-Iraq war made it particularly difficult for the competent authorities to ascertain the fate of persons alleged to have disappeared during this period. As for the allegations relating to the Barzani clan, the Government referred to its notes of 10 May and 20 June 1990 to the Centre for Human Rights by which the Government explained that the participation of the Barzani clan in the Iran-Iraq war on the side of the

Iranians resulted in the death of many of them and the flight to Iran of many more. Turning to the allegations surrounding Iraq's general amnesty decrees, the Government attributed these to "the international campaign which the coalition States are conducting to the detriment of Iraq's independence and sovereignity" and noted that, in any event, the "allegations are of an extremely general nature" which did not permit specific replies to be made without the supply of more precise details. Finally, with regard to Revolution Command Council Decision No. 840 of 4 November 1986, the Government pointed out that the law in question had resulted in various penalties of deprivation of liberty concerning 463 persons, and that "they were released under the terms of the general amnesty decrees".

Statistical summary

I.	Cases reported to have occurred in 1991	342
II.	Outstanding cases	3,787
III.	Total number of cases transmitted to the Government by the Working Group	3,874
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	206
	(b) Cases clarified by the Government's responses a/	70
V.	Cases clarified by non-governmental sources b/	17

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a/ Persons living abroad: 3
Persons in prison: 3
Persons released from detention: 28
Persons executed: 10
Persons at liberty: 18
Persons not detained in the country: 3
Persons dead: 5

b/ Persons executed: 4
Persons released from detention: 4
Person dead: 1
Persons at liberty: 8

Lebanon

Information reviewed and transmitted to the Government

221. The Working Group's activities in relation to Lebanon are recorded in its last eight reports to the Commission. 1/

222. By a letter dated 13 December 1991, the Working Group transmitted to the Government one case of disappearance reported to have occurred in 1985. With respect to this case, it must be understood that the Government could not respond prior to the adoption of the present report.

Information and views received from relatives of missing persons and non-governmental organizations

223. The above-mentioned case was reported by a relative of the missing person and concerned a Lebanese citizen of United States origin allegedly abducted in West Beirut by members of the Progressive Socialist Party.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	243
III.	Total number of cases transmitted to the Government by the Working Group	248
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	0
	(b) Cases clarified by non-governmental sources [a]	5

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[a] Persons released: 5

Mauritania

Information reviewed and transmitted to the Government

224. The Working Group's activities in relation to Mauritania are recorded in its previous report to the Commission. [1]

225. No cases of disappearance were reported to have occurred in 1991. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the one outstanding case transmitted under the urgent action procedure in 1990. The Government has provided no information on this case. The Group is, therefore, unable to report on the fate or whereabouts of the missing person.

Statistical Summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	0

Mexico

Information reviewed and transmitted to the Government

226. The Working Group's activities in relation to Mexico are recorded in its second and fourth to eleventh reports to the Commission. 1/

227. During the period under review, the Working Group transmitted one newly reported case of disappearance that occurred in 1991 to the Government of Mexico by cable under the urgent action procedure.

228. By letters dated 18 April, 18 September and 13 December 1991, the Government was notified that 9 cases were considered clarified, 8 based on its replies and 1 on the basis of further information provided by the sources. The Government was also informed that 3 cases would be considered clarified provided the sources did not raise objections within 6 months of the date on which they were notified of the Government's reply. By a letter dated 11 February, the Government was reminded of a report of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

229. In a letter dated 18 September 1991, the Working Group informed the Government of reports it had received about developments in Mexico having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

230. The new case transmitted to the Government during 1991 was reported by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) and the Independent National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles (CNI) and concerned a person arrested by the Judicial Police whose detention was initially unacknowledged and who was later located in an official prison some days after his arrest.

231. In addition, reports on the human rights situation in Mexico were received from Amnesty International, Americas Watch and the Independent National Committee.

232. In relation to disappearances that occurred during the period 1970 to 1982, it was reported that evidence suggested that detained people who did not subsequently reappear had been killed. A former soldier in the Mexican army reportedly testified, during asylum proceedings before the Canadian Immigration Board, that he had received an order to make certain detainees disappear. He stated that he used to "pick up hooded and handcuffed prisoners who were subsequently lined up and riddled with gunfire until the bodies were practically torn apart".

233. It was also alleged that, despite pressure from the international and national human rights communities, as well as from the relatives of the missing persons, the Government had never undertaken a satisfactory investigation to determine the fate of those who disappeared, nor had anyone ever been convicted of participating in the disappearances.

234. Although the Brigada Blanca (a group considered to be under military control and accused of having been involved in disappearances) no longer existed and Mexico was no longer blighted by a consistent pattern of politically motivated disappearances, isolated cases were known to have occurred in recent years, such as the disappearance of a leader of the Revolutionary Workers Party (PRT) in Morelos in December 1988.

235. While the recommendations made by the National Human Rights Commission (CNDH) in the case of the PRT leader were praiseworthy and the efforts made in the investigation to determine his fate considerable, the belief was expressed that the Government should institute similar procedures to investigate all other cases of disappearances that had occurred in Mexico. Agencies that had demonstrated their commitment to human rights, such as CNDH, should be given greater authority to enable them to be effective in countering abuses, and the Government, for its part, should ensure that its recommendations were implemented. The fact that most of the political disappearances had occurred during the previous administrations in no way lessened the responsibility of the present Government to identify and punish the people responsible and to inform the families of the fate and whereabouts of their loved ones. By their nature, disappearances were continuing crimes and cases should not be considered closed until they were resolved and accountability established.

Information and views received from the Government

236. By notes verbales dated 22 January, 3 April, 9 October and 11 November 1991, the Government of Mexico provided information on six persons whose reported disappearance had been investigated by CNDH, which found that they were at liberty in Mexico. The Government also informed the Working Group that one person whose disappearance had been reported as having occurred in 1991 was in detention in an official prison.

237. The Government included among the information provided to the Working Group the recommendations made by CNDH in the case of the PRT leader who disappeared in 1988. The Commission recommended a thorough investigation of the activities of a former high-ranking member of the Judicial Police in the state of Morelos, in particular to determine whether there had been possible abuses of authority, false declarations and improper use of the public service to obstruct the administration of justice. It also recommended that the

commanders, unit chiefs and staff of the Judicial Police of the state of Morelos who might have been implicated in obstructing the investigation should be investigated and that, if warranted, the appropriate criminal action should be brought and the law governing the responsibility of public servants in the state of Morelos should be enforced.

238. In addition, the Government of Mexico sent the Centre for Human Rights the text of a statement by the President of CNDH concerning the case of the assassination of a lawyer who was investigating human rights violations (see E/CN.4/1991/20, para. 251). The President in his statement gave an account of the findings of the Commission which led to the conclusion that a commander of the Judicial Police and several officers in his service were involved in the crime.

239. In its reply to allegations transmitted to it by the Working Group, the Government of Mexico stated that the Inter-Agency Working Group of the National Commission on Human Rights of the Office of the Attorney General of the Republic (CNDH-PGR Inter-Agency Working Group) had been set up formally to investigate disappearances in Mexico. It had initiated investigations on a first group of 24 cases and, in December 1990, five cases had been solved.

240. On 29 April 1991, CNDH issued a special report on alleged disappearances in which it stated that, in addition to follow-up of the above-mentioned 24 cases, investigations had been conducted into a further 31 cases during 1991, making a total of 55 cases. During the period December 1990 to 29 April 1991, six further cases were cleared up. Some of the cases investigated by the CNDH-PGR Inter-Agency Working Group were not included in the lists of the Working Group.

Statistical summary

I.	Cases reported to have occurred in 1991	1
II.	Outstanding cases	211
III.	Total number of cases transmitted to the Government by the Working Group	258
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	218
	(b) Cases clarified by the Government's responses a/	46
	Cases clarified by non-governmental sources b/	1

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a/ Persons reported dead: 37
Persons at liberty: 8
Person released from detention: 1

b/ Person in prison: 1

Morocco

Information reviewed and transmitted to the Government

241. The Working Group's activities in relation to Morocco are recorded in its previous 11 reports to the Commission. 1/

242. During the period under review, the Working Group transmitted 115 newly reported cases of disappearance to the Government of Morocco. By letters dated 18 April and 13 December 1991, the Government was notified that eight cases were considered clarified, on the basis of further information provided by the sources; in the same letter of 18 April the Working Group reminded the Government of all outstanding cases.

243. In a letter dated 18 September 1991, the Working Group informed the Government of reports it had received about recent events in Morocco having an impact on the phenomenon of disappearance or on the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

244. The 101 new cases transmitted to the Government during 1991 were reported by the Association of Relatives of Sahraoui Prisoners and Detainees, as well as by a lawyer representing some of the families of missing persons. One further case was submitted by the father of the missing person. The disappearances reportedly occurred in the 1970s and 1980s in localities such as Dajla, Laayoune, Smara, Leboirat, Agadir and Rabat. Those cited as responsible were the Gendarmerie Royale Marocaine (49), the police (16) and the armed forces (37). The remaining 13 cases referred to members of the armed forces who were sentenced to imprisonment in connection with attempted coups d'état in 1971 and 1972 and removed, in 1973, from the Kenitra prison, and whose whereabouts have since remained unknown.

245. With respect to the cases clarified by non-governmental sources, four referred to persons of Saharan origin who reportedly died in the secret detention centre of Qal'at M'gouna in the late 1970s; three cases referred to persons arrested in the late 1980s and subsequently released and one case referred to a former air force officer disappeared from the Kenitra prison in 1973 and recently released from the Tazmamart prison.

246. According to the reports received, garde à vue detention as practised in Morocco (under which any newly-arrested person may legally be held incommunicado) facilitated disappearances. Families frequently had difficulty obtaining information about an arrest; even if they inquired personally at the police station, officials might not confirm that a relative had been arrested or disclose where the person was being held. Usually, these disappearances were said to be of a temporary nature; however, in some cases the victims remained unaccounted for.

247. The majority of cases transmitted this year referred to persons of Western Saharan origin who were reported to have disappeared in the 1970s and 1980s in territories under the control of Moroccan forces, because they or

their relatives were known or suspected supporters of the Polisario Front. This included people from all segments of society, including children and elderly persons; students and better educated Sahraouis were reported to have been particularly targeted. In some instances, disappearances reportedly followed the arrest of dozens of people after demonstrations or before visits of prominent persons or officials from other countries. Disappeared persons had reportedly been confined in secret detention centres, but cells in some police stations or military barracks were also alleged to be used to hide the disappeared. The Working Group also received information according to which over 200 of the several hundred reportedly missing Sahraoui had been released from two secret detention centres in Laayoune and Qal'at M'gouna in June 1991.

248. With respect to the cases concerning which the Government had stated that the localities in which the reported disappearances had taken place were not under Moroccan jurisdiction during the period indicated (see below), the sources again insisted that the disappearances had been carried out by Moroccan forces whose presence in the territories concerned preceded the official date of commencement of the Moroccan administration.

Information and views received from the Government

249. In a letter dated 1 February 1991, the Permanent Mission of Morocco to the United Nations Office at Geneva stated, with respect to the cases transmitted by the Working Group in 1990, that many of the persons had reportedly disappeared in regions such as Mahbas which were not yet under the jurisdiction of the Moroccan authorities during the period indicated. The Government also stated that a scrupulous investigation had been carried out by the Ministry of Justice and the names of the persons who were allegedly missing were not listed in Moroccan prison registers; furthermore, the Government procurators' offices had been unsuccessful in their attempts to locate them or learn their whereabouts. In another letter, dated 10 May 1991, the Permanent Mission of Morocco noted, with respect to 10 of the cases transmitted by the Working Group on 18 April 1991, that on the date of disappearance the localities where the alleged arrests had taken place were not under Moroccan jurisdiction and that consequently the Moroccan authorities were not responsible for the disappearances.

250. In reply to these letters, the Working Group pointed out to the Government that, according to the sources, the reportedly missing persons had been arrested by Moroccan forces and that the cases therefore had to be transmitted to the Government in accordance with the Working Group's methods of work.

251. In a note verbale dated 3 December 1991, the Permanent Mission of Morocco stated that the Moroccan authorites were continuing to carry out investigations on the cases transmitted by the Working Group. However, the information provided by the sources with regard to names, dates and places of disappearance was not reliable. Some cases dated back to the Spanish colonial period and others to the period during which part of the Saharan provinces were under Mauritanian jurisdiction. The investigations would not make any progress unless the identity card number of each of the reportedly missing persons was provided. Some of these persons might be in Mauritania or in

Algeria. By the same note verbale, the Government provided the Working Group with a list of 269 recently released Saharan prisoners. None of the names, however, appeared in the Working Group's files.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	215
III.	Total number of cases transmitted to the Government by the Working Group	228
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	0
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources a/	13

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a/ Persons released: 9
Persons dead: 4

Mozambique

Information reviewed and transmitted to the Government

252. The Working Group's activities in relation to Mozambique are recorded in its last three reports to the Commission. 1/

253. No case of disappearance was reported to have occurred in 1991. By a letter dated 18 April 1991, the Government was again reminded of the one case transmitted in the past. There has been no response from the Government, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	0

Myanmar

Information reviewed and transmitted to the Government

254. During the current year the Working Group transmitted to the Government of Myanmar, by letter dated 18 September 1991, one case of enforced or involuntary disappearance, which reportedly occurred in 1990. The case was submitted by the Committee for International Human Rights Enquiry and concerned a social worker who was arrested during a peaceful demonstration in Prome.

255. By a letter dated 13 December 1991, the Government was informed that the case would be considered clarified provided the source did not raise objections within six months of the date on which they were informed of the Government reply.

Information and views received from the Government

256. By a letter dated 3 December 1991, the Permanent Mission of Myanmar to the United Nations Office at Geneva transmitted a reply from the Government in connection with the above-mentioned case. The reply stated that the person in question had been arrested and summoned to the office of the Pyay Township Law and Order Restoration Council after it was discovered that she had instigated and led the youths in the anti-government rally in Pyay (Prome) on 19 July 1990. After being warned by the authorities "not to take part in activities which are against the law", she was released.

Statistical summary

I.	Cases reported to have occurred in 1991	1
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	1

Nepal

Information reviewed and transmitted to the Government

257. The Working Group's activities in relation to Nepal are recorded in its last four reports to the Commission. 1/

258. No case of disappearance was reported to have occurred in 1991. By a letter dated 18 April 1991, the Government was again reminded of the four outstanding cases transmitted in the past. There has been no response from the Governmment, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	5
IV.	Government responses	0
V.	Cases clarified by non-governmental sources a/	1

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a/ Person released: 1

Nicaragua

Information reviewed and transmitted to the Government

259. The Working Group's activities in relation to Nicaragua are recorded in all its previous reports to the Commission. 1/

260. No cases of disappearance were reported to have occurred in 1991. However, by letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases.

261. In a letter dated 18 September 1991, the Working Group also informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in Nicaragua or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

262. The Working Group received reports of a general nature from Americas Watch and the Permanent Commission on Human Rights in Nicaragua. These reports highlighted some significant improvements in the human rights situation, including the release of 1,000 prisoners (detained for reasons pertaining to the armed conflict which afflicted Nicaragua for almost 10 years), and the inclination of the present Government to resolve political differences through dialogue. However, concern was expressed that an amnesty law enacted on 12 March 1990 granted immunity for any violations of human rights and other offences committed by officials during the period 19 July 1979 to 12 March 1990. As a consequence of this law, the Government had avoided its responsibilities in carrying out investigations with respect to the clandestine graves containing the remains of civilians killed during the armed conflict which were discovered in 1990. This was considered an obstacle to determining the fate of disappeared persons, as well as to determining whether or not the amnesty applied to these cases.

263. The reports also indicated that the failure to prosecute those responsible for past abuses or even to investigate cases of disappearances and other human

rights abuses had bred distrust of government authorities and did not help to create conditions for an open and constructive debate with the participation of all the positive forces of the country. In several instances of political violence which occurred in the past year, the reports indicated that the Government, in conjunction with international organizations and domestic groups, had conducted a number of investigations, but few of those responsible went to jail. In this connection, it was alleged that the Goverment's failure to investigate past abuses and the sluggishness or absence of ongoing investigations and judicial proceedings conveyed the impression that an atmosphere of impunity prevailed.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	101
III.	Total number of cases transmitted to the Government by the Working Group	232
IV.	Government responses:	
(a)	Number of cases on which the Government has provided one or more specific responses	175
(b)	Cases clarified by the Government's responses a/	112
V.	Cases clarified by non-governmental sources b/	19

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a/ Persons in prison: 7
Persons dead: 64
Persons at liberty: 16
Persons who joined counter-revolutionary forces: 12
Persons abducted by counter-revolutionary forces: 2
Salvadorian fishermen not detained in the country: 11

b/ Persons who died in armed confrontations: 11
Persons at liberty: 4
Persons in prison: 2
Person living abroad: 1
Person who joined a rebel group: 1

Pakistan*

Information reviewed and transmitted to the Government

264. During the period under review, the Working Group transmitted 15 newly reported cases of disappearance to the Government of Pakistan; 2 of those cases were transmitted by cable under the urgent action procedure.

265. As regards the 13 cases transmitted by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

Information and views received from relatives of missing persons or from non-governmental organizations

266. The above cases, concerning persons of Afghan nationality with refugee status in Pakistan, were submitted by a relative or close friend of the missing persons. The majority of the missing persons, apparently belonging to one family, are affiliated with the Harakate Inqilabe Islami Afghanistan party. The abductions are said to have taken place in Peshawar, North West Frontier province. They were reportedly carried out by persons belonging to a rival party, the Hezbe Islami Afghanistan (HIA), which is said to be acting with the acquiescence of the Pakistani authorities.

267. The abduction of eight persons who were taken together on 2 November 1986 is attributed to a specific member of HIA party. The majority of these persons were later seen by the source at Shamshatoo Camp, Peshawar, which houses the HIA party headquarters, during an unsuccessful rescue operation conducted by the missing persons' relatives and a member of the clergy, who were also accompanied by the police.

268. Six of the missing persons were abducted in Peshawar during the period from 24 January 1989 to 9 July 1991. Their abduction is also attributed to members of HIA. Some of them had received threats and were reportedly followed by members of HIA prior to their kidnapping. Members of HIA are said to have confirmed the detention of two persons from this group at Shamshatoo Camp; the said party has not denied holding the remaining three persons. The remaining case concerns a person allegedly arrested by the Police during a demonstration.

Statistical summary

I.	Cases reported to have occurred in 1991	15
II.	Outstanding cases	15
III.	Total number of cases transmitted to the Government by the Working Group	15
IV.	Government responses	0

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* Mr. Agha Hilaly did not participate in the decisions relating to this subsection of the report.

Paraguay

Information reviewed and transmitted to the Government

269. The Working Group's activities in relation to Paraguay are recorded in its last nine reports to the Commission. 1/

270. It should be noted that the Group has received no reports of disappearances occurring in Paraguay since 1977. However, by a letter dated 18 April 1991, the Working Group reminded the Government of the three outstanding cases.

Information and views received from the Government

271. By a note verbale dated 9 July 1991, the Permanent Mission of Paraguay to the United Nations Office at Geneva transmitted to the Working Group a reply from the Ministry of Justice and Labour concerning the three outstanding cases, on which judicial proceedings had been initiated in the past in order to declare the presumed death of the missing persons. In its reply the Government informed the Working Group that the criminal proceedings on the disappearances were continuing and that the records concerning the declaration of presumed death had been lost.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	23
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	23
	(b) Cases clarified by the Government's responses a/	20

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a/ Persons arrested or abducted in Argentina: 5
Persons arrested and expelled to Brazil: 4
Persons detained and released: 4
Persons transferred to Argentina: 2
Persons transferred to Uruguay: 2
Person dead: 1
Persons living abroad: 2

Peru*

Information reviewed and transmitted to the Government

272. The Working Group's activities in relation to Peru are recorded in its previous reports to the Commission. 1/

273. During the period under review, the Working Group transmitted 154 newly reported cases of disappearance to the Government of Peru, of which 117 were reported to have occurred in 1991; 70 of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of 27 cases containing additional information received from the sources. As regards the 57 cases transmitted by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

274. By letters dated 18 September and 13 December 1991, the Government was notified that 17 cases were now considered clarified, 16 based on its replies and 1 on the basis of further information provided by the source. The Group also informed the Government that 29 further cases would be considered clarified provided the sources did not raise objections within six months of the date on which they were informed of the Government's reply.

275. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases.

276. In a letter dated 18 September 1991, the Working Group informed the Government of allegations it had received about recent events in Peru having an impact on the phenomenon of disappearance or on the solution of the cases not yet clarified.

277. In accordance with a decision taken by the Working Group at its thirty-fourth session, a letter dated 30 August 1991 was sent to the Government containing a number of questions involving substantive issues recommended by the Group in its reports on the 1985 and 1986 missions to the country (E/CN.4/1986/18/Add.1 and E/CN.4/1987/15/Add.1).

278. The Working Group also transmitted to the Government information it had received on situations of intimidation, reprisals or harassment against several members of a community who reported disappearances to the Working Group, and witnesses to those cases, as well as against a lawyer (also a

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* Mr. Diego García-Sayán did not participate in the decisions relating to this subsection of the report.

member of a human rights organization) who had been representing relatives in habeas corpus proceedings on behalf of a missing person and on behalf of a witness who had temporarily disappeared, and against two members of his family who had been threatened and who feared for their security.

Information and views received from relatives of missing persons or from non-governmental organizations

279. Reports on disappearance and general information on violence and human rights in Peru as well as evaluation reports on the practice of disappearance in the country were received from Amnesty International, Americas Watch, the Andean Commission of Jurists, the Association for Human Rights (APRODEH),the Centre of Study and Action for Peace (CEAPAZ), the Episcopal Social Action Commission (CEAS), the National Association of Relatives of Abducted and Disappeared Detainees in the Zones Under States of Emergency (ANFASEP) and the National Human Rights Coordinating Body (CNDDH).

280. Forty of the cases transmitted in 1991 were reported to have occurred in 1990 and 116 cases were reported to have occurred in 1991. In 107 such cases the army was allegedly responsible for the detention; in 5 cases the navy; in 11 cases it was the police (including its different corps such as the Policía Técnica, Policía General and Guardia Civil and its specialized branches, such as the Directorate against Terrorism (DIRCOTE)); in 13 cases, combined forces of the army and the police; in 7 cases a security service or a specialized branch of the army; in 9 cases civil defence groups accompanied by members of the army and in 2 cases private guards who handed the detainees to the police. The majority of victims continued to be members of peasant communities, apparently targeted because they lived in areas where terrorist groups were active. All the cases transmitted contained precise information about the forces responsible for the disappearance and, in most of them, the barracks or the detention centre to which the person was initially taken was indicated, including a description of how this place was known to the relatives reporting the case. In one case concerning 15 members of a peasant community (including children who were taken by soldiers and officers of the army), the investigation carried out by a local prosecutor concluded that army officers had ordered the peasants to be killed but their bodies could not be identified because they had been blasted with dynamite to wipe out any evidence or trace of the crime.

281. Several reports received by the Working Group emphasized that Peru was experiencing a situation of extreme violence and deep economic, social and institutional crisis. During the past 10 years, the institutions of Peru had had to face violence unleashed against the institutional order by subversive groups which had taken up arms and did not hesitate to resort to massive assassinations and other similarly cruel practices in order to achieve their goals. The Government's response to this situation had been to declare states of emergency in an increasing number of regions of the country and to entrust the control of internal order in those areas to political-military commands. By July 1991, states of emergency were in effect in 84 provinces in 16 of the 24 departments of Peru, containing over half of the population.

282. Many reports stressed that the counter-insurgency response by the military and police forces had been both ineffective and abusive of human rights, especially in the Andean parts of the country; the primary victims were poor peasants caught in the cross-fire in a never-ending spiral of violence. In recent years, right-wing paramilitary groups and civil defence patrols organized by the military had also become agents of violence terrorizing the population.

283. It was alleged that disappearances in Peru continued to occur. The fate of most of those detained by the armed forces remained unclarified, while others were released after days or weeks in secret custody, during which time they were subjected to torture. Sometimes detentions were acknowledged after prolonged secret detention and interrogation. However, this was likely to be the case only as of the date on which the detainees were transferred from military to police custody, when public prosecutors were informed. As a rule the armed forces did not acknowledge having held prisoners prior to their transfer to the police; this was said to be a major contributing factor to the continuing practice of torture and disappearance.

284. The failure of anti-subversive strategies during the past years, with its consequent extremely high cost in grave violations of human rights, committed both by terrorist groups and by government forces, had reportedly induced the Government to change its strategies. The Minister of the Interior announced that the Government had decided to give its total support to the civil defence organizations, which would be regulated and controlled by the Ministry of Defence. Many organizations doubted whether the State could control an auxiliary army of civilians which acted dangerously outside the legal context. A number of cases of disappearance reported to the Working Group had allegedly been carried out in retaliation for the refusal of villagers and civilian officials to join the civil defence patrols which the military authorities had been trying to oblige them to do.

285. In the central regions of Peru, teachers were said to be among those most affected by the violence in 1991. They were often killed by Sendero Luminoso terrorists for refusing to indoctrinate their students in that organization's ideology. Meanwhile, the army considered them to be potential terrorists and began to persecute them, particularly during the strike they carried out in May 1991, resulting in the detention and subsequent disappearance of several teachers.

286. It was reported that during the last months of 1990 and in July 1991 a number of corpses were discovered in the town of Pucallpa, in Santo Tomás, Cuzco, as well as in the hills of Chanta and Pilapampa, Ancash and in Santa Barbara, Huancavelica. The investigations concerning these corpses were reported not to have made any progress, notwithstanding complaints and petitions.

287. Attacks on human rights organizations and their members, both by terrorist groups and by individuals believed to be connected to official forces, were reported to have occurred in 1990 and in 1991. In the most recent case, concerning Dr. Augusto Zuñiga Paz, a member of the Human Rights Commission (COMISEDH), the initial evidence seemed to suggest that the attack was perpetrated by members of a para-police group involved in a disappearance being investigated by Dr. Zuñiga Paz as lawyer and adviser. It was further reported that the Minister of Justice had maintained that the human rights organizations, by their complaints, were undermining the morale of the armed forces and obstructing the struggle against subversion.

288. It was reported that the Government had not implemented a policy of promoting human rights and was not interested in encouraging investigations in human rights cases. This was evidenced by the proclamation of supreme decree No. 171 ordering that police and military personnel who committed a crime in an emergency zone should be judged by military tribunals and that the identity of the members of the security forces operating in such zones could not be released without a court order. The Government also issued a supreme decree regulating safeguards such as habeas corpus and amparo, which weakened the protection granted by those judicial mechanisms. The Congress repealed both measures in view of the reaction of important institutions and individuals.

289. The efficiency of the remedy of habeas corpus in relation to disappearances was reported to have been weakened by a recent decision of the Supreme Court. Ernesto Castillo Páez, a student at the Catholic University of Lima, was detained by the police and subsequently disappeared. A judge declared the request for habeas corpus to be well founded and ordered the student's release. A court of appeal confirmed the finding of the judge and ordered the prosecutor to bring criminal charges against the director of the General Police and against the head of the Anti-Terrorist Department. The Supreme Court, in a verdict that was allegedly irregular and unconstitutional, declared the previous decisions to be null and void.

Information and views received from the Government

290. By various notes verbales addressed to the Working Group between July and November 1991, the Government of Peru provided information on 103 cases of disappearances transmitted to it. In 71 cases the Government reported that the person concerned had not been detained by military or police personnel of the place indicated in the report. In 23 cases the Government admitted that the person had been detained, but had subsequently been released, and in 9 cases the Government reported that the person was in custody or that he had been charged with offences related to terrorism.

291. By various notes verbales the Government of Peru informed the Working Group of the following matters: (a) that the Government had set up a special commission for the investigation of the attack against the Human Rights Commission (COMISEDH) in which Dr. Augusto Zuñiga Paz was wounded, and that several measures for the protection of his life had been taken; (b) that various political groupings had subscribed to a national political commitment

to bring about peace; (c) that the terrorist organization Sendero Luminoso (Shining Path) had made a public statement in which it said that human rights organizations were at the service of imperialism and of the bourgeoisie; (d) that a council composed of representatives of the country's main civic and religious bodies had been set up for the purpose of presenting to the executive branch a national pacification plan and to provide advice and support to all efforts aimed at achieving peace within the country and the full exercise of human rights; (e) that legislative decree No. 685 had been enacted by the President authorizing access by officials of the Office of the Attorney-General to military installations and police detention centres in all emergency areas throughout the country, to verify the situation of persons who had been detained or reported missing.

292. By its note verbale dated 11 October 1991, the Government of Peru, replying to allegations from non-governmental organizations transmitted by the Working Group, stated that problems relating to economic, social and cultural structures characterized by uneven income distribution which had given rise to situations of poverty and injustice generating social tension had frequently been resolved through consultation and dialogue. However, this had not prevented minority groups of individuals, including Sendero Luminoso in particular, from reacting in an extremely violent manner against the State and society, and endeavouring to do away with the democratic system and the rule of law by systematically destroying the national economic infrastructure, eliminating the representatives of the various State institutions (mayors, prefects, judges, etc.) in the most depressed regions of the country, and instilling terror in the population.

293. The Government of Peru was a democratic one, renewed every five years through universal and secret elections in which the great majority of the population participated, notwithstanding the threats and criminal acts of the above-mentioned subversive groups. These groups had resorted to a massive campaign of assassination, torture and other acts of cruelty with the aim of controlling the population through terror. They showed no hesitation in abducting peasants whom they forced to work the land in conditions of slavery; in systematically destroying electricity pylons, factories, centres for the distribution of food to the poor, agricultural projects and laboratories, and any project which constituted an alternative offering peace and development; and in destroying the social welfare activities promoted by the Church, even murdering priests and nuns.

294. With regard to civil defence patrols, the Government stated that they represented a traditional institution by means of which the peasant communities had for a long time protected themselves against rustlers. Today, those patrols, or rondas, were receiving a certain amount of logistical support (shot-guns) from the armed forces, to assist them in their task of defending themselves against Sendero Luminoso. These civil defence organizations were regulated and controlled by the Ministry of Defence so they could not act outside the legal context. There was no coercion by the military authorities of villagers to participate in the patrols since

they constituted a traditional, spontaneous institution. Sendero Luminoso, for its part, had been forcing villagers to join the terrorist organization. It had been established on the basis of testimony by various witnesses that, in accordance with the extremist position of Sendero Luminoso, its leaders generally resorted to death threats to enlist new members.

295. In connection with disappearances, the Government acknowledged that, in the context of struggle against a subversive group whose immediate objective was the destruction of everything the democratic State represented, many arrests occurred and that a number of them had been carried out improperly and to the detriment of innocent people. However, according to the statistics, disappearances had decreased during 1991.

296. In connection with the attacks on human rights organizations, the investigations under way had not so far shown that law enforcement personnel or "para-police" groups had been involved. The Government acknowledged the invaluable contribution of non-governmental organizations engaged with seriousness, honesty and impartiality in providing assistance to those people whose human rights were not being respected. While some non-governmental organizations denounced the atrocities committed by the terrorist groups, other non-governmental organizations were infiltrated by such groups and were doing everything possible to discredit the law-enforcement agencies combating subversion in order to defend the public, democracy and the rule of law.

297. It was also stated that the Government of Peru was not only carrying out investigations on human rights violations but was also trying to prevent violations from occurring. The rejection by Parliament of supreme decree No. 171 concerning the remedy of habeas corpus emphasized how the dynamics of democracy constituted the best guarantee of optimizing the efforts of the State effectively to promote and protect human rights.

298. By 41 notes verbales sent to the Working Group from April to November 1991, the Government of Peru reported the following activities carried out by terrorist groups in Peru: (a) the murder of 75 persons including 9 local officials, 2 priests and a nun, and 11 professionals or technical personnel involved in development projects (6 international experts, 1 physician, 2 health assistants and 2 students working on a health project), 1 high-ranking military officer, 9 policemen, 4 local leaders, as well as 34 other persons, including children; (b) the wounding of 32 persons, including 6 policemen and 5 children; (c) the placing of bombs or other explosive devices in embassies, official institutions, development and educational institutions, electricity pylons, shops, food depositories, railways, etc. According to a report of the Senate Special Commission for Pacification, the destruction of electricity pylons during the first half of 1991 involved a loss of US$ 53 million. It was also reported that the killing of experts and technicians put an end to development projects, because certain countries decided to withdraw their nationals from projects in Peru.

Statistical Summary

I.	Cases reported to have occurred in 1991	117
II.	Outstanding cases	2,042
III.	Total number of cases transmitted to the Government by the Working Group	2,497
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	448
	(b) Cases clarified by the Government's responses a/	114
V.	Cases clarified by non-governmental sources b/	341

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a/ Persons detained: 12
Persons arrested and released: 47
Persons who had obtained a voter's card after the date of their alleged disappearance: 29
Persons found dead: 16
Persons at liberty: 7
Persons abducted by rebels: 1
Persons escaped from a detention centre: 2.

b/ Persons whose dead body was found and identified: 55
Persons released from detention: 229
Persons in prison: 47
Person taken to a hospital after detention: 1
Persons at liberty: 9.

Philippines

Information reviewed and transmitted to the Government

299. The Working Group's activities in relation to the Philippines are recorded in its previous nine reports to the Commission. 1/

300. During the period under review, the Working Group transmitted nine newly reported cases of disappearance to the Government of the Philippines, of which five were reported to have occurred in 1991. Eight of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of nine cases containing additional information received from the sources.

301. By letters dated 18 April, 18 September and 13 December 1991, the Government was notified that 10 cases were considered clarified, 8 based on its replies and 2 on the basis of further information provided by the sources. The Government was also informed that in four cases the Group had applied the six-month rule.

302. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. By letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases.

303. In accordance with a decision taken by the Working Group at its thirty-fourth session, a letter dated 30 August 1991 was sent to the Government containing a number of questions involving substantive issues recommended by the Group in its report on the 1988 mission to the country, since the information provided by the Government of the Philippines following a reminder in August 1990 was incomplete.

304. In a letter dated 18 September 1991, the Working Group informed the Government of allegations of a general nature it had received concerning the phenomenon of disappearance in the Philippines or the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

305. The majority of the newly reported cases of disappearance were submitted by Amnesty International, Task Force Detainees of the Philippines and the Philippine International Centre for Human Rights. These organizations also provided information on the basis of which two cases have been considered clarified; the missing persons were released. Most of the disappearances reportedly occurred in Cagayan, Iloito, Quezon, Samar and Cebu. The forces often cited to be responsible were the Seventeen and Forty-second Infantry Battalions, the Philippines Constabulary, the Integrated National Police, the Citizens Armed Forces Geographical Units and unidentified military agents. Among the victims, most of them farmers, was a nurse.

306. In addition, reports on the human rights situation in the country were received from Amnesty International, Democratic European Lawyers, the Philippine Alliance of Human Rights Advocates and the Philippine International Centre for Human Rights.

307. Some of these organizations stressed the importance of positive measures recently taken by the Government, such as passing a law for the protection and welfare of witnesses; signing into law Republic Act No. 7055 strengthening civilian supremacy over the military by returning to the civil courts jurisdiction over certain offences involving members of the armed forces and other persons subject to military law; and signing a memorandum of agreement on the release from custody of detainees, prisoners and accused persons to ensure that such release is properly done.

308. However, they stated that disappearances continued to occur and that victims were predominantly those accused by the authorities of sympathy with the armed insurgency or members of unions alleged to be "fronts" for the outlawed Communist Party of the Philippines.

309. It was further reported that the position of human rights lawyers in the Philippines had not improved under the present administration. On the contrary, the reported number of threats, harassments, surveillances and other incidents had increased since February 1986. At least six human rights lawyers had been killed in the past three years in apparent extrajudicial executions. In only one case had the governmental investigation resulted in a conviction. Human rights lawyers were reportedly labelled as having the same opinion as their clients, most of them suspected of political offences. In July 1991, a human rights lawyer was shot and wounded by unidentified armed men probably because of his defence of suspected National People's Army members. In addition to those killed, dozens more have received death threats or have been subjected to other kinds of intimidation in recent years.

310. Particular concern was expressed about recent decisions of the Supreme Court, which legalized warrantless arrest of those suspected of the crime of subversion. The Supreme Court of the Philippines, through its promulgation of recent rulings, was said to have violated the exercise of the rights to security, due process and presumption of innocence. With these Supreme Court decisions, the State protection of human rights and constitutional guarantee of civil liberties had allegedly been rendered null and of no effect.

311. It was also alleged that evidence existed, at least in one case, that persons were threatened during detention and so forced to join armed groups under military command.

312. Some reports criticized the action taken by the Philippine Commission on Human Rights (PCHR) concerning disappearances, such as: (a) its acceptance of dismissals of habeas corpus petitions by the courts on the grounds of insufficient evidence because in some cases witnesses were too frightened to testify; (b) its unquestioning acceptance of military denial of abduction or detention of a missing person; (c) its failure to act promptly: in many cases investigations carried out by PCHR were reported to be continuing many months after the victim had been abducted and in cases in which witnesses had identified the abductors, no action had been taken.

Information and views received from the Government

313. By letters dated 15 January, 27 February, 27 March, 19 and 24 April, 10 May, 18 and 24 July, 2 and 12 August, 25 September, 17 October and 2 December 1991, the Government provided information on cases of disappearance previously transmitted by the Working Group. It also provided additional documentation on questions related to disappearances. The Government reported that in one case the missing person had allegedly escaped; in another case the person concerned was at liberty.

314. The Commission reported that the investigation in 11 cases was continuing; the file of another case had been closed because the statement of the missing person's wife had been contradicted and denied by the military authorities, resulting in the dismissal of the habeas corpus petition. Concerning three cases, PCHR replied that the names of the missing persons were fictitious and that such persons did not exist. In a further case, it was found that the family thought that the missing person was dead. With reference to another case, it was reported that a body was found which corresponded to the description of the victim. In two cases, the missing persons had reportedly gone elsewhere for private reasons.

315. In letters addressed to the Working Group, the Philippine Commission on Human Rights suggested that some United Nations bodies were receiving communications from non-governmental organizations which had not exhausted domestic remedies or had not reported alleged cases of disappearances to PCHR before bringing them to the attention of the Working Group. It also observed that, by placing too much trust in the veracity of reports received from sources, the Working Group encouraged irresponsibility on their part and diminished its own credibility.

316. The Working Group replied that, in accordance with its methods of work endorsed by the Commission on Human Rights, it did not require, for the admissibility of cases, that internal remedies be exhausted but only that some steps be taken at the domestic level to determine the fate or the whereabouts of the missing person or that there be an indication that efforts to resort to domestic remedies had been frustrated or had otherwise been inconclusive. The Working Group also pointed out that it transmitted to the Governments concerned reports containing all the required elements, but it did not have means to verify the accuracy or veracity of the information it received. Thus, by providing replies to cases, Governments had the opportunity to clarify questions such as those raised by the Government of the Philippines in relation to certain cases.

317. By a communication dated 18 July 1991, the Chairman of PCHR informed the Chairman of the Working Group that, in response to the suggestion of the Working Group following its 1990 visit to the Philippines, President Aquino signed into law on 20 June 1991 Republic Act No. 7055 strengthening civilian supremacy over the military by returning to the civil courts the jurisdiction over certain offences involving members of the Armed Forces of the Philippines, other persons subject to military law and the members of the Philippine National Police, and repealing for that purpose certain Presidential Decrees, including Presidential Decree No. 1850. In addition, a memorandum of agreement was signed by the Philippine Commission on Human Rights, the Department of National Defence, the Department of Interior and Local Government and the Department of Justice concerning procedures on the release from custody of detainees, prisoners and accused persons to ensure that such release was properly done. This Memorandum of Agreement was signed to prevent or at least minimize further occurrences of disappearance.

318. The Permanent Mission of the Philippines to the United Nations Office at Geneva provided a list of cases of military personnel who had been brought to justice and convicted of serious human rights violations from 1986 to the present.

Statistical summary

I.	Cases reported to have occurred in 1991	5
II.	Outstanding cases	497
III.	Total number of cases transmitted to the Government by the Working Group	605
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	547
	(b) Cases clarified by the Government's responses [a]	88
V.	Cases clarified by non-governmental sources [b]	20

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[a] Persons dead: 15
Persons located and identified: 2
Persons in prison: 6
Persons living abroad: 2
Persons released from detention: 53
Persons at liberty: 7
Persons escaped from prison: 3.

[b] Persons dead: 3
Persons in prison: 6
Persons released from detention: 6
Persons at liberty: 3
Persons escaped: 2.

Seychelles

Information reviewed and transmitted to the Government

319. The Working Group's activities in relation to Seychelles are recorded in its six previous reports to the Commission. [1]

320. No cases of disappearances were reported to have occurred in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of the three outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	3
	(b) Cases clarified by Government's responses	0

South Africa

Information reviewed and transmitted to the Government

321. The Working Group's activities in relation to enforced or involuntary disappearances in South Africa and Namibia are recorded in its last 10 reports to the Commission. 1/ In particular, information on South African legislation relevant to disappearances was reflected in the 1981 and 1982 reports of the Working Group (E/CN.4/1435 and E/CN.4/1492).

322. There were no reported cases of disappearance in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of South Africa of the seven outstanding cases transmitted in the past. No response on individual cases has been received to date.

323. At the request of the Permanent Representative of South Africa to the United Nations Office at Geneva, the Working Group provided it, by letter dated 27 September 1991, with summaries of all the outstanding cases.

324. At its thirty-fifth session, the Working Group decided to send to the Government of Namibia the summaries of six cases of disappearance, attributed to the forces of South Africa, which had occurred within the Namibian territory. The cases were transmitted for its information only. However, the Working Group expressed the hope that the Government of Namibia would be in a position to contribute to the clarification of such cases.

Information and views received from the Government

325. By letter dated 29 November 1991, the Permanent Mission of South Africa to the United Nations Office at Geneva transmitted a reply from the appropriate South African authorities stating that they were unable to add any further information to what was already available with regard to the outstanding cases of disappearance. They recommended, however, that in connection with the six cases from Namibia, inquiries be directed to the Government of Namibia, as a great many people who had left that country had now returned.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	8
III.	Total number of cases transmitted to the Government by the Working Group	10
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	10
	(b) Cases clarified by the Government's responses	2

Sri Lanka

326. The Working Group's activities in relation to Sri Lanka are recorded in its previous nine reports to the Commission. 1/

327. During the period under review, the Working Group transmitted 3,841 newly reported cases of disappearance to the Government of Sri Lanka; 9 of those cases were transmitted by cable under the urgent action procedure; 3,382 cases were transmitted by letters dated 18 April, 22 July, 14 August, 18 September, 3 October and 13 December 1991. All the cases transmitted in the course of 1991 were also sent to the Government on diskette, in order to facilitate the computerization of the cases in the Government's system.

328. Given the very high number of cases received, the Working Group decided, at its thirty-fifth session, to continue to transmit to the Government in 1992 groups of cases as they were processed by the Secretariat.

329. In connection with the 584 cases transmitted by the Working Group on 13 December 1991 in accordance with its methods of work, it should be understood that the Government could not have responded in the time available before the adoption of the present report.

330. By letters dated 11 February and 10 July 1991, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure, and by a letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases. In a letter dated 18 September 1991, the Government was notified that one case was considered clarified based on its reply and on the basis of further information provided by the source.

331. At the invitation of the Government of Sri Lanka, three members of the Working Group, Mr. Agha Hilaly, Mr. Jonas K.D. Foli and Mr. Toine van Dongen, visited Sri Lanka on its behalf; the mission took place from 7 to 17 October 1991 and the report of the visit is contained in an addendum to the present document.

Information and views received from relatives of missing persons or from non-governmental organizations

332. The majority of newly reported cases of disappearance transmitted to the Government during 1991 were submitted by Amnesty International, the Members of Parliament for Fundamental and Human Rights, the Organization of Families and Relatives of Disappeared, the Batticaloa Peace Committee and the Citizen's Committee.

333. General reports on the human rights situation in the country were received from Amnesty International, the Lawyers Committee for Human Rights and the International Commission of Jurists. A full picture of the phenomenon of disappearance, as well as other human rights violations, in Sri Lanka is contained in the report of the visit carried out by the Working Group, as mentioned above. In addition, further reports denouncing the continuing violations of human rights in Sri Lanka after the Working Group's visit have been received from the Australian Federation of Tamil Associations.

Information and views received from the Government

334. By a note verbale dated 15 August 1991, the Permanent Mission of Sri Lanka to the United Nations Office at Geneva transmitted the observations of the Government on the question of disappearances for consideration by the Working Group at its thirty-fourth session. In its statement the Government of Sri Lanka notified the Working Group that several mechanisms had been set up to investigate alleged illegal activities, regardless of the source reported to be responsible, and that the communications received from the Working Group had also been referred to these mechanisms which included, *inter alia*, the Presidential Commission of Inquiry into Involuntary Removal of Persons and the Presidential Task Force on Human Rights.

335. During its thirty-fifth session, the Working Group met members of the Permanent Mission of Sri Lanka to the United Nations Office at Geneva who stated that the Government of Sri Lanka attached the highest importance to cooperation with the United Nations Human Rights bodies; access to the media, to officials at all levels and to areas of interest during the Working Group's visit to Sri Lanka was evidence of this commitment. During this meeting, the Working Group was also provided with an aide-memoire outlining the various measures taken by the Government to address all aspects of human rights in Sri Lanka (see E/CN.4/1992/18/Add.1).

Statistical summary

I.	Cases reported to have occurred in 1991	41
II.	Outstanding cases	4,980
III.	Total number of cases transmitted to the Government by the Working Group	5,023
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	243
	(b) Cases clarified by the Government's responses a/	16
V.	Cases clarified by non-governmental sources b/	27

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a/ Persons in prison: 5
Persons released from detention: 11

b/ Persons dead: 13
Person executed: 1
Body located and identified: 1
Persons in prison: 3
Persons released from detention: 8
Person at liberty: 1

Syrian Arab Republic

Information reviewed and transmitted to the Government

336. The Working Group's activities in relation to the Syrian Arab Republic are recorded in its eight previous reports to the Commission. 1/

337. No cases of disappearance were reported to have occurred in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of the three outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	2
III.	Total number of cases transmitted to the Government by the Working Group	6
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	5
	(b) Cases clarified by the Government's responses a/	3
V.	Cases clarified by non-governmental sources b/	1

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a/ Persons in prison: 3

b/ Person released: 1

Turkey

Information reviewed and transmitted to the Government

338. The Working Group's activities in relation to Turkey are recorded in its previous report to the Commission. 1/

339. During the period under review, the Working Group transmitted to the Government of Turkey a total of three newly reported cases of disappearance which occurred in 1991; two of those cases were transmitted by cable under the

urgent action procedure. Concerning the case transmitted on 5 December 1991, it should be understood that the Government could not have responded in the time available before the adoption of the present report. The Working Group also retransmitted to the Government one case containing additional information received from the source.

Information and views received from relatives of missing persons or from non-governmental organizations

340. The new cases transmitted to the Government during 1991 were reported by Amnesty International and by individuals. They concern two persons of Kurdish origin. One of them was allegedly detained when attending the burial of a colleague, which had been attacked by the police. The other was reportedly detained during an armed confrontation between the Turkish armed forces and the armed groups known as the Popular Army for the Liberation of Kurdistan (ARGK) in northern Iraq, and allegedly taken to Turkey. The third case concerned a person allegedly arrested for his activities in a political party which is prohibited by law.

Information and views received from the Government

341. By note verbale dated 1 October 1991, the Government provided a reply in one case indicating that the geographical region in which the subject had allegedly disappeared, referred to as southern Kurdistan in the report of the case, was not one recognized either by Turkey or by the United Nations. It also stated that the actions taken by ARGK, the group to which the disappeared person belonged, could only be considered under international law as "acts of terrorism" and could not be legitimized by describing them as acts of a "Kurdish armed group". According to the Government, that group had assassinated 823 civilians from south-east Anatolia.

342. The Working Group replied that it transmitted to the Governments concerned reports on alleged disappearances containing the information received from the source without making any judgement on the allegations or on the nature of the group to which the missing person belonged. In addition, the report clearly indicated the name of the city, situated in the north of Iraq, where the person was said to have been detained. The Working Group considered that this case contained all the elements required for processing under its methods of work and that it had been transmitted to the Government in accordance with them.

Statistical summary

I.	Cases reported to have occurred in 1991	3
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	4
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources	0

Uganda

Information reviewed and transmitted to the Government

343. The Working Group's activities in relation to Uganda are recorded in its last nine reports to the Commission. 1/

344. A newly reported case of enforced or involuntary disappearance occurring in 1991 was transmitted to the Government under the urgent action procedure.

345. By letter dated 10 July 1991, the Government was reminded of one report of a disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 18 April 1991, the Working Group also reminded the Government of all outstanding cases. By letter dated 13 December 1991, the Working Group notified the Government that one case had been considered clarified on the basis of information contained in the Government's letter of 26 August 1991, and that six cases, on which replies had also been received, would be considered clarified provided the sources did not raise objections within six months of the date on which they were informed of the reply. In that letter, the Working Group also requested the Government to pursue its investigations on the remaining cases in order to obtain more specific details as to the whereabouts of the victims.

Information and views received from the Government

346. By letter dated 19 September 1991, the Government replied that the person reported missing in 1991 was in prison awaiting trial. In a letter dated 26 August 1991, received by the Working Group on 8 November 1991, the Ministry of Justice stated that in three cases of disappearance the persons had been killed while in custody and in one case the person had been released. These cases had occurred during the previous regime, which was in power up to July 1985.

347. On 20 September 1991, the Ministry of Foreign Affairs addressed to the Group a letter giving details of the findings of the investigations carried out by the Uganda Human Rights Commission. It stated that two persons were killed while in custody and that the people believed responsible for the deaths had been heard in court hearings brought by the Uganda Human Rights Commission; other witnesses also testified at these hearings. The Government also reported that three cases had not been reported to the Uganda Human Rights Commission.

Statistical summary

I.	Cases reported to have occurred in 1991	1
II.	Outstanding cases	13
III.	Total number of cases transmitted to the Government by the Working Group	20
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	10
	(b) Cases clarified by Government's responses a/	1
V.	Cases clarified by non-governmental sources b/	6

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a/ Person released: 1

b/ Persons released: 3
Person who died in detention: 1
Persons detained: 2

Uruguay

Information reviewed and transmitted to the Government

348. The Working Group's activities in relation to Uruguay are recorded in its nine previous reports to the Commission. 1/

349. No case of disappearance was reported to have occurred in 1991. However, by letter dated 18 April 1991, the Working Group reminded the Government of all outstanding cases.

350. In a letter dated 18 September 1991, the Working Group also informed the Government about allegations from non-governmental organizations regarding developments in Uruguay having an influence on the question of disappearances or on the solution of the cases not yet clarified.

Information and views received from relatives of missing persons or from non-governmental organizations

351. Americas Watch alleged that one and a half years after the voters of Uruguay had ratified the so-called Limitation Law (bestowing immunity on members of the military accused of human rights violations under the previous dictatorship), a case of forced disappearance was the subject of political debate, with the publication by a fortnightly magazine of the contents of an official file implicating a former Foreign Minister and present Senator in the case of a teacher who disappeared in 1975. The documentation included a report of the Foreign Ministry under a military Government on the advisability of "handing over the woman" to another Government from whose embassy she had been taken prisoner in an act which resulted in the breaking off of diplomatic relations. According to the report, sources from within the military Government itself confirmed that forced disapperance had been one of the repressive tactics used during the dictatorship.

352. In the case of a child who was detained in 1976 together with his mother (when he was 20 days old) and had since disappeared, the parents allegedly found the child living with an adoptive family (relatives of the military officer in charge of the mother's kidnapping), who refused to undergo blood compatibility tests. According to information recently received, the judge has not ordered such tests to be carried out in spite of repeated requests by the complainant, who had been imprisoned for many years. The criminal court had ruled that the case fell under the 1986 amnesty law for human rights violations committed during 12 years of military rule, although the law required that investigations into the kidnapping of minors continue. The court decided that the matter should be pursued in the civil courts. On 2 September 1991 a request for the nullifiction of the boy's adoption was presented in a civil court.

Information and views received from the Government

353. By a note verbale dated 13 March 1991, the Government of Uruguay informed the Working Group of its position with respect to statements made by a non-governmental organization before the Commission on Human Rights. In the case of a Uruguayan minor who had disappeared in 1976 when his mother was arrested and who had allegedly been located with adoptive parents, the non-governmental organization had stated that "interference with the functioning of the judicial system has prevented him from seeing his parents and recovering his identity".

354. In this connection, the Government of Uruguay stated that, according to its Constitution and the Organization of the Judiciary and the Courts Act No. 15.750 of 24 June 1985, the judicial authority was, in the exercise of its functions, independent of any other authority. Individual rights were fully enjoyed and protected in Uruguay, and the institutional norms governing the functioning of the State were likewise fully implemented. Accordingly, under the current democratic Government, there was no interference with the work of the judicial system.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	31
III.	Total number of cases transmitted to the Government by the Working Group	39
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	17
	(b) Cases clarified by the Government's responses a/	7
V.	Cases clarified by non-governmental sources b/	1

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a/ Persons released from detention: 2
Persons in prison: 4
Child found: 1

b/ Child found: 1

Venezuela

Information reviewed and transmitted to the Government

355. The Working Group's activities in relation to Venezuela are recorded in its previous report to the Commission. 1/

356. During the period under review, the Working Group transmitted to the Government of Venezuela, by a letter dated 18 September 1991, one case of disappearance reported to have occurred in 1990. The Working Group also informed the Government that it considered clarified a case on which the source had not submitted observations to the Government's reply within the six-month period and that another case would be considered clarified provided the source did not raise objections within six months of the date on which it was informed of the Government's reply.

357. The newly reported case of disappearance was submitted by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) and concerned a man who was arrested on his way home by the police, allegedly on charges of an administrative nature. By note verbale dated 29 November 1991, the Government indicated that a dead body believed to be that of the missing person had been found and that the officers responsible for the events leading to his death had been brought to justice.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	2
	(b) Cases clarified by the Government's responses a/	2

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a/ Persons dead (body found and identified): 2

Viet Nam

Information reviewed and transmitted to the Government

358. The Working Group's activities in relation to Viet Nam are recorded in its last five reports to the Commission. 1/

359. No case of disappearance was reported to have occurred in 1991. At the request of the Permanent Representative of Viet Nam to the United Nations Office at Geneva, the Working Group provided it, by letter dated 7 August 1991, with a summary of the one outstanding case.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	8
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	3
	(b) Cases clarified by the Government's responses a/	3
V.	Cases clarified by non-governmental sources b/	4

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a/ Persons in prison: 2
Person released: 1

b/ Persons released: 4

Zaire

Information reviewed and transmitted to the Government

360. The Working Group's activities in relation to Zaire are recorded in its second to fourth and sixth to eleventh reports to the Commission. 1/

361. No case of disappearance was reported to have occurred in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of the 12 outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	12
III.	Total number of cases transmitted to the Government by the Working Group	18
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	17
	(b) Cases clarified by the Government's responses a/	6

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a/ Persons at liberty: 6

Zimbabwe

Information reviewed and transmitted to the Government

362. The Working Group's activities in relation to Zimbabwe are recorded in its four previous reports to the Commission. 1/

363. No case of disappearance was reported to have occurred in 1991. By letter dated 18 April 1991, the Working Group reminded the Government of the one outstanding case transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1991	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses	0

III. CONCLUSIONS AND RECOMMENDATIONS

364. In recent years, enforced disappearances have occurred preponderantly in situations of social tension or internal armed conflict. In such circumstances, disappearances happen as a result of acts by security forces, or by groups or individuals with their support or acquiescence. In certain countries, responsibility for internal tension or civil strife is also borne by insurgent or terrorist groups, which help generate a climate conducive to the breakdown of the institutional framework, to the militarization of society and the weakening of the rule of law. States, which are supposed to be the guardians of the rule of law, often aim at restoring public order but violate human rights in the process, thereby exacerbating the spiral of violence. The management and resolution of such conflicts undoubtedly constitute the best response to disappearances in this context.

365. The number of cases of disappearance transmitted to the Governments concerned by the Working Group since its inception in 1980 now stands at close to 25,000 cases in 47 countries. During 1991 alone, the Working Group received about 17,000 individual reports of disappearances, but it was able to process only part of them. In the period under review, the Group transmitted 4,800 cases to 25 Governments, 197 of them under the so-called urgent action procedure. The customary graphs showing the development of cases of disappearance appear as annex III to the present report.

366. Cooperation with Governments has again improved over the past year and the same is true for contacts with non-governmental organizations. The latter seem to have less and less difficulty in finding their way to the United Nations, although much remains to be done in that regard. For example, the urgent action procedure, (expedited démarches with Governments on cases that are less than three months old) is not being fully utilized to the advantage of cases that might benefit directly from it. The Commission is reminded that the clarification rate for cases dealt with under this procedure remains around 25 per cent, three times as high as for cases processed in the ordinary manner. More publicity, through established United Nations channels, would therefore seem to be in order.

367. Abuses of power, as manifested by enforced disappearances, would be severely curtailed if there existed an independent and efficient judiciary capable of investigating accusations promptly and of giving adequate protection to individual rights. Without political backing and without economic and logistical resources, the judiciary cannot adequately perform its functions. In this context, the Working Group wishes to reiterate that military tribunals should be reserved exclusively for those members of the security forces who commit military crimes, a category from which such serious human rights violations as enforced disappearances must be clearly and explicitly excluded.

368. The Working Group has on various occasions called the attention of the Commission to the importance of habeas corpus (or similar mechanisms) which allows a detainee or those acting on his behalf to seek judicial

intervention to determine both the legality of the detention and the whereabouts and well-being of the detainee. This has been called the most powerful weapon against disappearances. The Group has noticed with alarm that, regrettably, habeas corpus has remained virtually inoperative in situations of widespread violence and disappearance. Two major factors have produced this result.

369. On the one hand, in a number of situations there are severe limitations concerning the use of habeas corpus that have their origin in the law. Procedures may be complicated or may effectively limit local access to the competent judicial authority. As a result, habeas corpus tends to evaporate as a mechanism for protecting fundamental rights. Concerned Governments must promote the indispensable changes needed to improve habeas corpus, introducing, if necessary, legal reforms to repair any deficiencies. Such reforms should deal with expeditious process, availability of the procedure and unimpeded access of authorities to suspected places of detention.

370. On the other hand, limitations may arise from de facto situations, such as the insecurity affecting judges or the failure of the civilian or military authorities to cooperate with them. As illustrated by recent authoritative reports,* in all too many countries, judges literally put their safety and their lives at risk when they entertain habeas corpus petitions in sensitive cases. The reports also confirm a similar trend regarding lawyers who attempt to file such petitions. In some cases, the authorities in charge of processing habeas corpus petitions, overwhelmed by the prevailing circumstances, abdicate their functions. Measures should be adopted urgently empowering the judiciary to visit any installation in which it is suspected that persons are being deprived of their liberty; to this end they should be given suitable guarantees and adequate facilities.

371. The Working Group, in many of its reports on missions to countries, has drawn attention to the imperative need to have an up-to-date and accessible register of detainees. This should, in principle, make it possible to learn the whereabouts of any person deprived of his liberty. It is essential that the relevant authorities in each country enact the appropriate administrative and, if necessary, legal provisions so that each authority holding persons in custody is obliged to include immediately in a register their names and other data. Information about new detainees and the transfer or release of anyone already in custody should immediately be added to the register by the authority in charge of the detention, transfer or release. The register should be handed to the competent civilian authority and constantly updated

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* "In Defence of Rights - Attacks on Lawyers and Judges in 1990", report by the Lawyers Committee for Human Rights; "Attacks on Justice - The Harassment and Persecution of Judges and Lawyers, June 1990-May 1991", report by the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists.

with information that the authorities in charge of detention must be required to supply. In order for the register to fulfil its role, permanent access to all detention centres, including military barracks if necessary, should be guaranteed to an independent civilian authority. The register of detainees must always be accessible to the public at a local and a central place.

372. Impunity, in relation to disappearances, is a subject that has been mentioned in previous reports. The Working Group believes that it should be a matter of concern to the Commission. Governments and non-governmental organizations have been requested by the Group to submit comments in response to a number of tentative considerations drawn up by the Group. The comments offered thus far do not, at present, constitute a sufficiently solid basis for formulating any conclusions or recommendations. The Group will be in a better position to do so once additional material has been assembled.

373. In previous reports, the Working Group has had occasion to express its concern at the pernicious role played by so-called "death squads" in the occurrence of disappearances. Death squads generally operate in areas of widespread insurgence, against urban guerillas or against what is often loosely termed "the opposition". The latter may include members of rival political parties (usually on the left of the spectrum), trade unionists, human rights activists, student leaders and journalists. The death squads' preferred technique of elimination is assassination. In many cases, however, people abducted by death squads eventually end up in arbitrary detention by government forces, the classical beginning of a disappearance. Viewed worldwide, death squad activity appears to be on the rise.

374. These armed groups clearly operate outside the law. Although a repressive Government may view disappearance as an important technique in fighting subversion and stifling dissent, the active involvement of uniformed army personnel and the use of official vehicles entail the chance of the Government being publicly associated with the arrest and detention of a disappeared person. This holds true even for operations carried out under cover of darkness. Considerably less of a "liability", therefore, are operations of the same nature carried out by persons not officially related to government forces: death squads are an obvious answer. Consistent denials by the Government of involvement in death squad operations and claims to be powerless in the face of their actions form part of this picture.

375. Nevertheless, members of death squads are generally believed to consist of members of the security forces or persons acting with their acquiescence or support. Leaving aside occasions where death-squad members have been identified as such by eyewitnesses, government affiliation remains very hard to prove. In many situations, however, there is a large amount of circumstancial evidence. Death squads have been seen to leave and enter army or police compounds, pass roadblocks unhindered in unmarked vehicles, even at night, carry out assassinations without the least resistance from public forces and abduct their victims unhindered. More to the point, many persons so abducted are later found in government custody, and then disappear.

Death-squad activities are rarely investigated by the authorities in any meaningful manner. The Working Group is not aware of many instances where a death-squad member has been apprehended and held accountable before a court of law.

376. Not all death squads are sponsored by government forces. In several countries, such groups are known to be hired by large landowners or linked to industrial interests or to drug traffickers. Their members may be recruited for particular operations or belong to the entourage of their patrons as bodyguards and the like. Typically in such cases, victims are trade unionists, employees of rival enterprises, or generally anyone perceived as a liability, including, in some countries, indigenous populations. Exemplary or retaliatory killings are commonplace. Death-squad activities of this nature are, in fact, common crimes. They do not properly belong to the realm of human rights violations, unless they are carried out in conjunction with government forces, either through connivance or acquiescence. The Working Group has come across many instances, in various countries, where essentially private armed groups seek out their victims, with the help of informers or otherwise, and hand them over to the police or the army. Subsequently, the victims disappear.

377. Few, if any, Governments under whose jurisdiction death-squad activities are frequent have taken vigorous action to curb them. Army and police commanders, who are bound to know about these activities, are rarely ever held responsible. To the Working Group's knowledge, only a few Governments have gone as far as to condemn death-squad operations publicly and explicitly. In the view of the Working Group, such action is not only highly commendable but necessary if any credible measure is to be taken to reduce and eventually eradicate the phenomenon in any given country.

378. In a different category are civil defence units which, unlike death squads, operate in principle within the law - an important distinction. The legal regime covering their activities varies widely from country to country. In some countries, the law merely provides for the possibility of creating such units, while in others the law is more detailed and stipulates a number of criteria. In most countries relevant to the Working Group's mandate, the law is seriously defective in this regard; in some it is completely silent. Nevertheless, the formation of these units also appears to be on the rise worldwide, particularly in areas of conflict. They may exist in many guises and under different names, such as "rondas campesinas", "home guards", "civil armed force geographical units", "vigilantes" or simply "civil defence". The question of civil defence units abusing their powers is a matter of concern to the Working Group, particularly as they are reported to be involved in many cases of disappearance and other abuses. Retaliatory action by insurgents against such units in several countries exacerbates the spiral of violence that has already been set in motion as a result of other factors.

379. Reports of abuses by such groups are more frequent in situations where civil defence units are seen to be operating without adequate supervision by government forces, or, on the other hand, precisely where they do act in close

cooperation with the army or police, for example during combat or search and seizure operations. In some countries, civil defence units have powers of arrest under the law; in others they can detain without authorization. On the whole, the training, discipline and accountability of such outfits are poor, if not lacking. Recruitment and lines of command are often haphazard. Some outfits are not officially provided with firearms, while others are; most carry weapons of one kind or another, but uniforms or distinctive attire are the exception. There are many examples of civilians being persuaded to join civil defence groups, while in some cases joining is compulsory for all practical purposes. In only a few cases is membership entirely voluntary. Very few systems provide a significant form of remuneration.

380. Understandably, there may be a clear need for the establishment of civil defence units when public forces, owing to the exigencies of the situation, are unable to secure adequate protection of life, limb and property for the civilian population. This may especially be true, for example, in vast rural areas beset by highly mobile groups of insurgents resorting to hit and run tactics, or in cases where specific communities are being targeted by such groups for some kind of violent action.

381. In the view of the Working Group, if abuses by civil defence units, especially disappearances, are to be prevented, the law must lay down a number of minimum conditions for their operations and effective measures must be taken to implement them. First of all, the only objective of civil defence deployment should be self-defence; units should not be involved in operations which would normally be carried out by army or police units, such as combat, search and seizure, "fishing expeditions", etc. Secondly, recruitment into civil defence must be on a genuinely voluntary basis only, rather than on the basis of conscription. Civil authorities should exercise effective control over recruitment, guarding against any form of duress, real or perceived. Thirdly, public forces should constantly supervise training, arming (if any) and discipline of the units, as well as all operations they carry out. Clear lines of command should be established, as well as levels of responsibility. Fourthly, criteria for accountability should be unequivocal and should be explained to the members. Breaking the rules should be met with disciplinary punishment; abuses, particularly human rights violations, should be pursued before the civil administration of justice with all the necessary vigour.

382. As in previous reports, the Working Group has had to draw attention to intimidation, threats and various forms of reprisal against relatives and human rights groups involved in cases of disappearance. The Group notes that the situation has not improved during the past year, despite the "prompt intervention" procedure implemented during the year, and regrets that acts affecting basic rights of relatives and human rights groups continue to occur. These illegal and arbitrary acts are a major factor in the perpetuation of enforced disappearances and impunity.

383. Experience has shown that relatives of disappeared persons and human rights groups are specially vulnerable in the context of violence and disappearances. This situation demands that the concerned Governments adopt special measures to protect those individuals and groups and to investigate,

promptly and thoroughly, threats or acts that could affect or have affected them. At the international level, the Group would strongly support any steps that the Commission might wish to take for the further development of and follow-up to its concern, already expressed in resolutions 1990/76 and 1991/70 with respect to reprisals. The Working Group invites non-governmental organizations to devote more attention to the "prompt intervention" procedure established in 1990.

384. The exhumation of corpses taking place in many countries has proven to be an important means of investigating cases of disappearance. It is essential to establish a suitable mechanism for the identification of corpses that would not only guarantee the participation of adequately trained forensic teams but would also involve non-governmental organizations and interested persons such as relatives. The United Nations could study ways to sponsor forensic teams that could operate quickly and with efficiency in any case of exhumation.

385. An important step towards the eradication of disappearances anywhere in the world was taken last November. The open-ended working group mandated by the Commission to prepare a draft declaration on the protection of all persons against enforced or involuntary disappearance has effectively discharged its task. A fully fledged draft is expected to be submitted to the Commission at its forty-eighth session. The Group urges the Commission to consider the draft declaration as a matter of the highest importance, with a view to its eventual transmission to, and adoption by, the Economic and Social Council and the General Assembly.

386. The Working Group is concerned about the resources available to it from the Centre for Human Rights, and even more concerned about the prospects for the near future. As the Group explained in earlier reports, its working methods are highly labour intensive and require extensive support and consistent expertise from the United Nations Secretariat. The methodology involves specialized data-processing, elaborate correspondence, painstaking research and meticulous drafting. In this regard, the Group had been generously sustained by various human rights officers and secretarial staff and was therefore able to keep abreast of the dramatic increase in its case-load. However, the Commission and the Sub-Commission have added several mandates to the existing special procedures, without increasing the staff.

387. Most significantly, the Special Procedures Section, which caters to all special rapporteurs and working groups and is also responsible for a number of reporting mandates, has been faced with difficult and very sensitive choices on how to distribute the various assignments at hand among the available work force. This has obliged the Centre to set priorities that are hardly the Centre's to set. As a consequence of this development, the time that could be spent on matters relating to the Working Group's mandate has diminished considerably. Despite the odds, the Working Group continues to have full confidence in the staff's dedication to the realization of the Group's objectives and their commitment to securing maximum support for its activities.

IV. ADOPTION OF THE REPORT

388. At the last meeting of its thirty-fifth session, on 13 December 1991, the present report was adopted and signed by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski Chairman-Rapporteur	(Yugoslavia)
Toine van Dongen	(Netherlands)
Jonas K.D. Foli	(Ghana)
Agha Hilaly	(Pakistan)
Diego García-Sayán	(Peru)

Note

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission on Human Rights annually, starting with the Commission's thirty-seventh session. The document symbols of the previous eleven reports are as follows:

E/CN.4/1435 and Add.1
E/CN.4/1492 and Add.1
E/CN.4/1983/14
E/CN.4/1984/21 and Add.1 and 2
E/CN.4/1985/15 and Add.1
E/CN.4/1986/18 and Add.1
E/CN.4/1987/15 and Corr.1 and Add.1
E/CN.4/1988/19 and Add.1
E/CN.4/1989/18 and Add.1
E/CN.4/1990/13
E/CN.4/1991/20 and Add.1

Annex I

LIST OF NEW NON-GOVERNMENTAL ORGANIZATIONS WHICH HAVE CONTACTED THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES FROM JANUARY 1990 TO DECEMBER 1991

Afghan National Islamic Council, United States;

Andhra Pradesh Civil Liberties Committee, India;

Asociatión Americana de Juristas, France;

Asociación Interamericana de Servicios Legales, Colombia;

Association pour la sauvegarde des familles et enfants de disparus, France;

Asociación Pro-Derechos Humanos de España, Spain;

Asociación Salvadoreña Pro-Derechos Humanos, El Salvador;

Association des familles françaises de prisonniers politiques en Guinée, France;

Batticaloa Citizens Committee, Sri Lanka;

Canada-Asia Working Group, Canada;

Centre Against Apartheid, United States;

Centre Haitien des Droits et Libertés, Haiti;

Centro de Estudios y Acción para la Paz, Peru;

Centro de Investigación y Educación Popular, Colombia;

Centro Nicaraguense de Derechos Humanos, Nicaragua;

Ceylon Mercantile Union, Sri Lanka;

Citizens Committee of Ampara, Sri Lanka;

CODEFAM "Marianella García Villas", El Salvador;

Colegio de Abogados del Uruguay, Uruguay;

Comisao Pastoral de Terra-Regional, Brazil;

Comisión Andina de Juristas - Sección colombiana, Colombia;

Comisión Chilena de Derechos Humanos, Chile;

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Mexico;

Comisión Nacional de Derechos Humanos del Ecuadaor, Ecuador;

Comité Cristiano Pro-Desplazados de El Salvador, El Salvador;

Comité Dominicano de Derechos Humanos, Dominican Republic;

Comité de Solidaridad con los Presos Políticos, Colombia;

Comité Nicaraguense de Derechos Humanos, Nicaragua;

Comité Nacional Independiente Pro-Defensa de Presos, Perseguidados Desaparecidos y Exiliados Políticos, Mexico;

Comité du Kurdistan, Switzerland;

Committee for International Human Rights Inquiries (United States);

Committee for Workers Union, Sri Lanka;

Conference of European Churches, Switzerland;

Documental Center of Human Rights in Iraq, Iran;

Ecumenical Movement for Justice and Peace in the Philippines, Philippines;

Federation of Mosques and Muslim Organization, Sri Lanka;

Gabinete dos Asuntos de Timor, Indonesia;

Gulf War Victims, Committee for Disappeared Ones, Iran;

Human Rights Alliance in Negros, Philippines;

Human Rights Desk Pakistan People's Party, Pakistan;

Human Rights Group, United States;

Inform, Sri Lanka;

Instituto de Estudios Políticos para America Latina y Africa, France;

Inter-Church Coalition in Africa, Canada;

International Alert, United States;

International Islamic Commission on Human Rights;

La Paix est possible au Timor Oriental, Association Oecuménique, Portugal;

Ligue Internationale pour les Droits et la Liberation des Peuples, Indonesia;

League of Kurdish Jurists, Switzerland;

Ligue Suisse des droits de l'homme, Switzerland;

Members of Parliament for Fundamental and Human Rights, Sri Lanka;

Mother's Front, Sri Lanka;

Organization of Human Rights in Iraq, United Kingdom;

Organization of Parents and Family Members of the Disappeared, Sri Lanka;

Philippine International Center for Human Rights, Belgium;

Students for Human Rights, Sri Lanka;

Terre de Hommes, Switzerland;

The Canadian Council of Churches, Canada;

Union des Avocats Arabes, Egypt.

Annex II

Excerpts from the statement made by a member of the Working Group to the first meeting of the Preparatory Committee for the World Conference on Human Rights

Madam Chairman,

1. "I have asked for the floor because the Working Group has a problem. It has a problem that the World Conference should be aware of and should act upon. It is, above all, not a problem exclusively for our Group, but a problem of all of the special procedures, and, to this extent, I feel I speak with the silent consent of special rapporteurs, be it country or issue-oriented.

2. Let me briefly remind you which are the ones we have at present. Among the country rapporteurs I count working groups on southern Africa and on Israeli practices, as well as special rapporteurs and representatives on Afghanistan, Cuba, El Salvador, Iraq, Iran, Kuwait and Romania. Among the thematic procedures, there are working groups on missing persons and on arbitrary detention, and individual rapporteurs on religious intolerance, sale of children, mercenaries, arbitrary executions and torture. In addition, there is ongoing reporting through the Secretary-General on subjects as diverse as Albania, Cambodia, Cyprus, the Middle East, Lebanon, drug-traffickers and armed groups, internally displaced persons, massive exoduses, protection of witnesses and torture of children in South Africa.

3. The special procedures *per se*, as they are now being handled by the Centre for Human Rights, currently stand at 16. The latest session of the Commission alone, for example, has resulted in five new mandates, one of them a whole new working group on detention, which, foreseeably, will soon result in highly labour intensive methods of work. What we are concerned about is that United Nations diplomats, human rights activists and budget keepers do not lose sight of the practical consequences of the decisions they help to bring about in the various United Nations organs.

4. I have had the privilege of working very closely with the Centre on this particular mandate, and I would like to point out some of the day-to-day problems that normally do not surface in lofty discussions such as the one we are having this week. I have come greatly to admire and respect the acumen and stamina members of the Centre have displayed in the process. I have also had the chance of observing just how much work goes into the servicing of a single mandate, particularly a complicated one such as that of the Working Group on Enforced or Involuntary Disappearances. Few people outside the Centre really have an idea how much time is sometimes spent on a single case of disappearance, how many letters and other chores are involved. Few people realize that the processing of 100 denunciations may take one person more than four weeks; or, that the Centre sends out four or five "urgent appeals" on individual cases per day; or that, last year, the Centre's Special Procedures Section organized as many as 23 missions to various countries.

5. Look at the increase in the workload, Madame Chairman. In the last six years the number of special procedures went from 6 to 16. The number of "urgent appeals" from 1 per week to 5 per day. The number of missions from 5 to 23 per calendar year.

6. All of this work is being carried out by 11 professionals and 9 secretaries. Seventy per cent of them are working on temporary assistance contracts (sometimes from month to month). As employment conditions are unattractive, there has been - especially in the Special Procedures Section - an inordinate turnover of people, which again has lead to loss of know-how, of institutional memory, and, as a concomitant, has lead to stagnation and delays.

7. The problem, in a word, is "system-overload" as it is known in the computer trade. We require too much from too few. And when I say "we", I mean the human rights organs of the United Nations, including the Economic and Social Council and the General Assembly. In the case of a "system-overload", there are basically two cures only: you either feed less into the computer or you buy a bigger and a faster one.

8. The obvious answer is that we do something about the resources of the Centre. A soundly based and well argued estimate shows that the special procedures - at their present status - should be serviced by 18 professionals instead of 11 and by 12 secretaries instead of 9, as a minimum. In fact, from Geneva a modest proposal towards improvement of the situation was indeed put forward by the Centre to New York, but at Headquarters it was quietly snuffed out in the bureaucracy of the budgeteers.

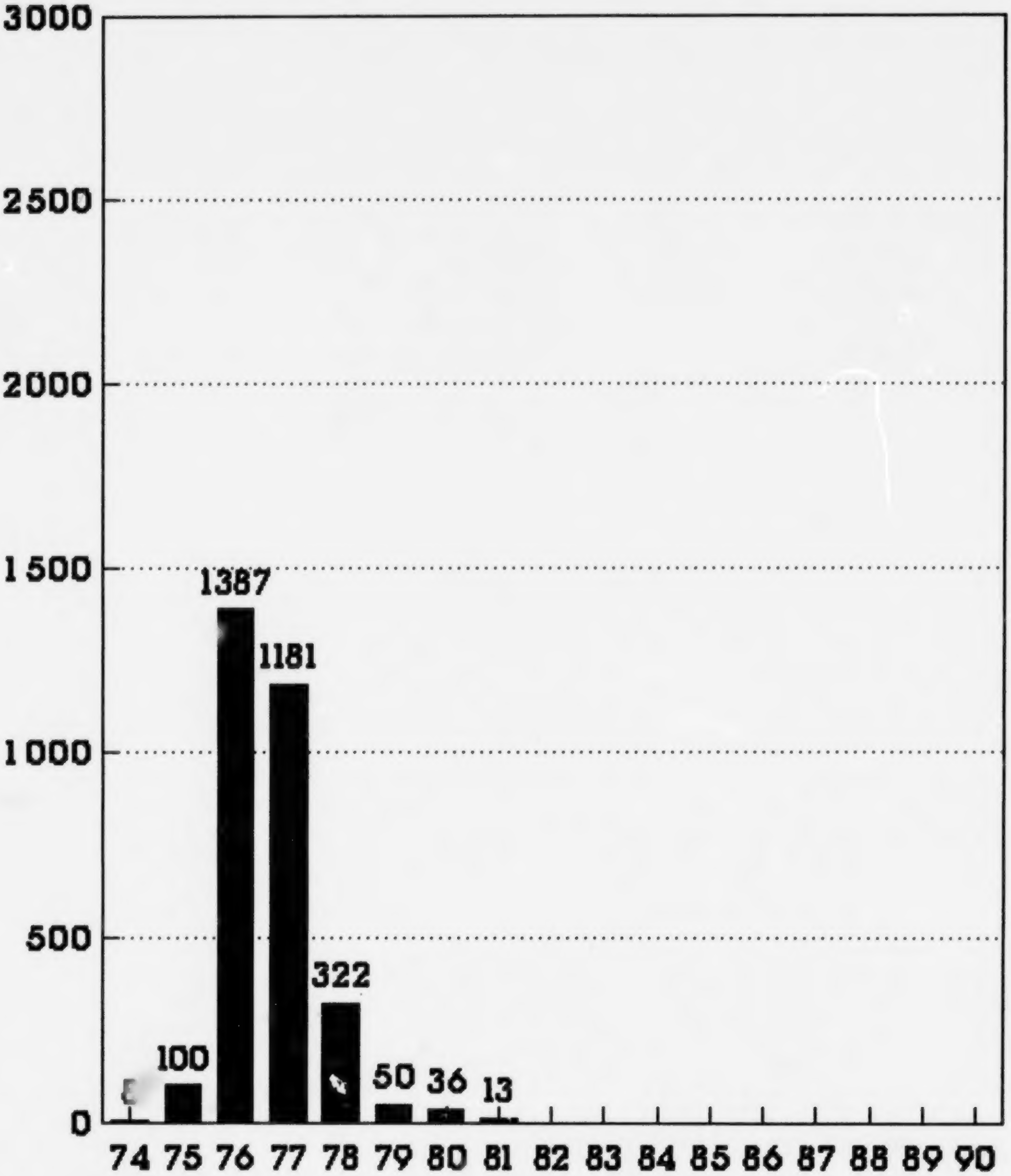
9. This cannot go on. One cannot add more and better human rights mechanisms every year without ensuring that a minimum of servicing is available. There is a clear and present danger of "arrosage générale": you water all the plants, but each plant gets just too little water and they all die. Rapporteurs complain from time to time. They understand the constraints of the Centre, but that simply is not good enough. Rapporteurs have a responsibility towards the parent body in terms of quality and timeliness of their outputs.

10. The remedies are not something we should discuss here and now in concrete terms, although I do feel at some point in the preparatory process, this Committee must have a look at them. At the highest level of abstraction, the answer is political will. Only political will can break the hegemony of the New York budgeteers and bring about a reallocation of resources that is long overdue. The World Conference provides a better opportunity than we have probably ever had to generate that kind of political momentum, to generate a critical mass of opinion, resulting in clear-cut dictates for action to be taken by the General Assembly, notably in the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions (ACABQ). If we miss that opportunity - even if we do have the political will but are unable to turn it into words - we may be witnessing the demise of the special procedures, the demise of what for a long time we have rightfully looked upon as one of the proudest achievements of the United Nations in the field of human rights."

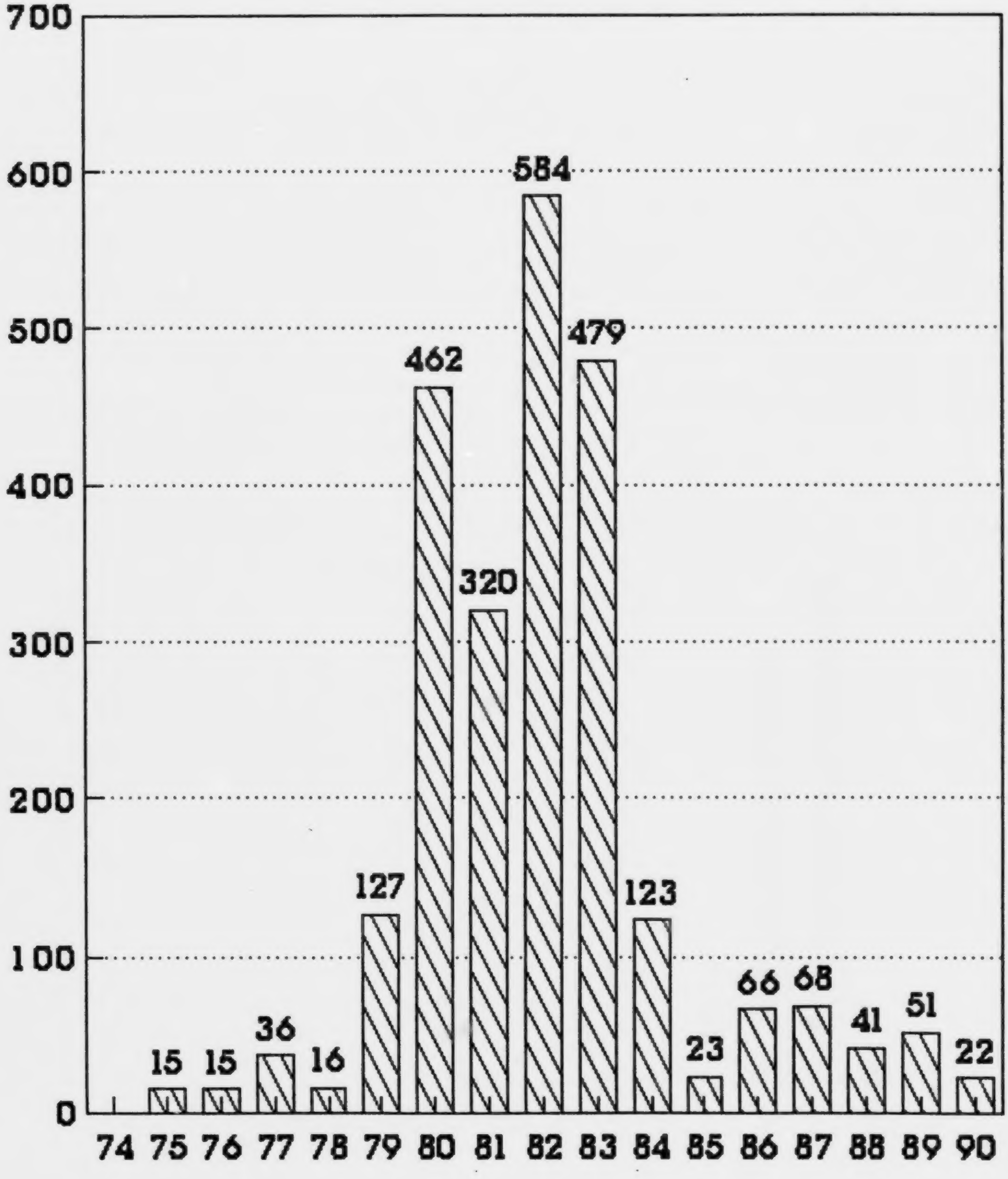
Annex III

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 50 TRANSMITTED CASES DURING THE PERIOD 1973-1990

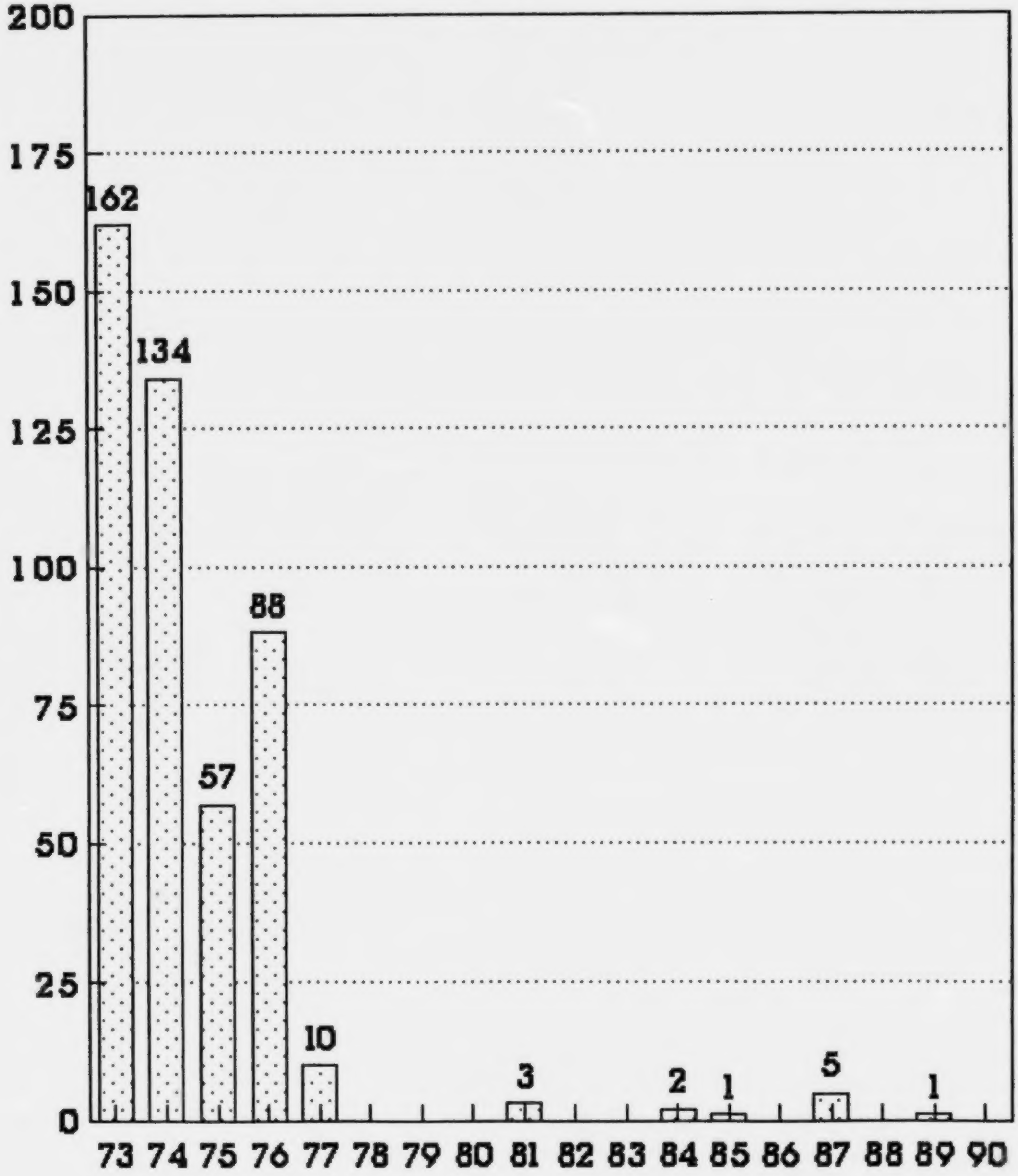
DISAPPEARANCES IN ARGENTINA OVER THE PERIOD 1974-1990



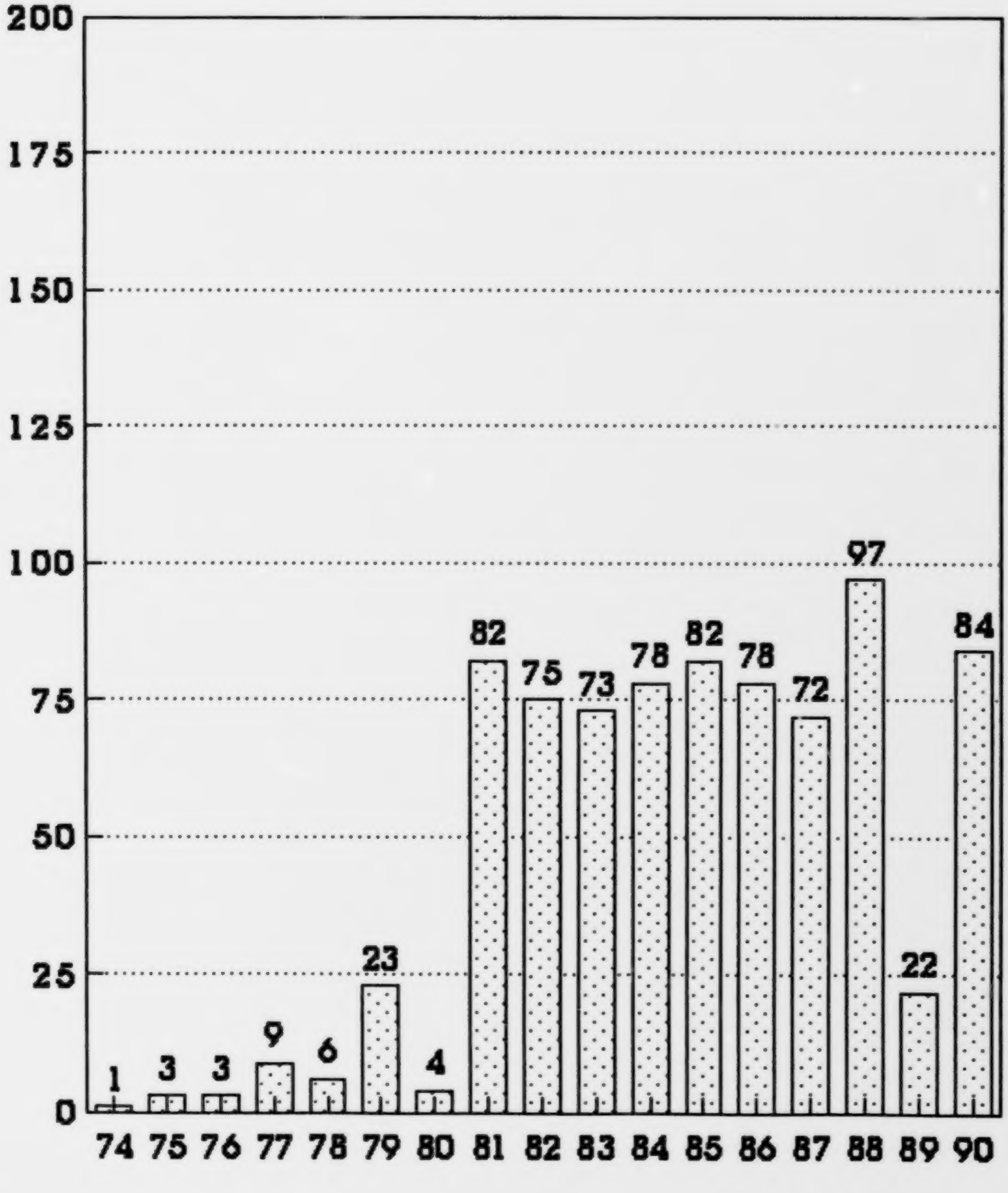
DISAPPEARANCES IN EL SALVADOR OVER THE PERIOD 1974-1990



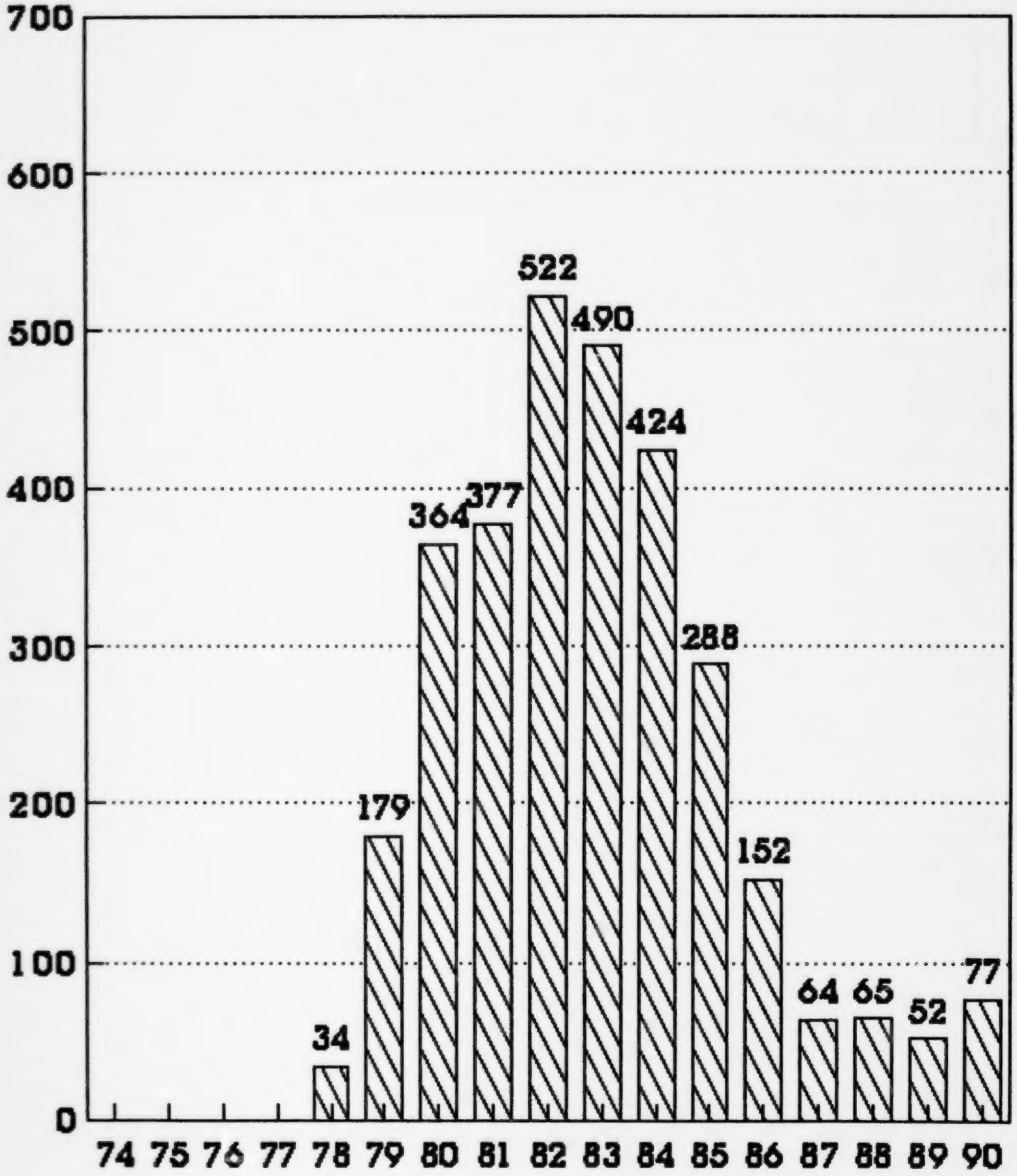
DISAPPEARANCES IN CHILE OVER THE PERIOD 1973-1990



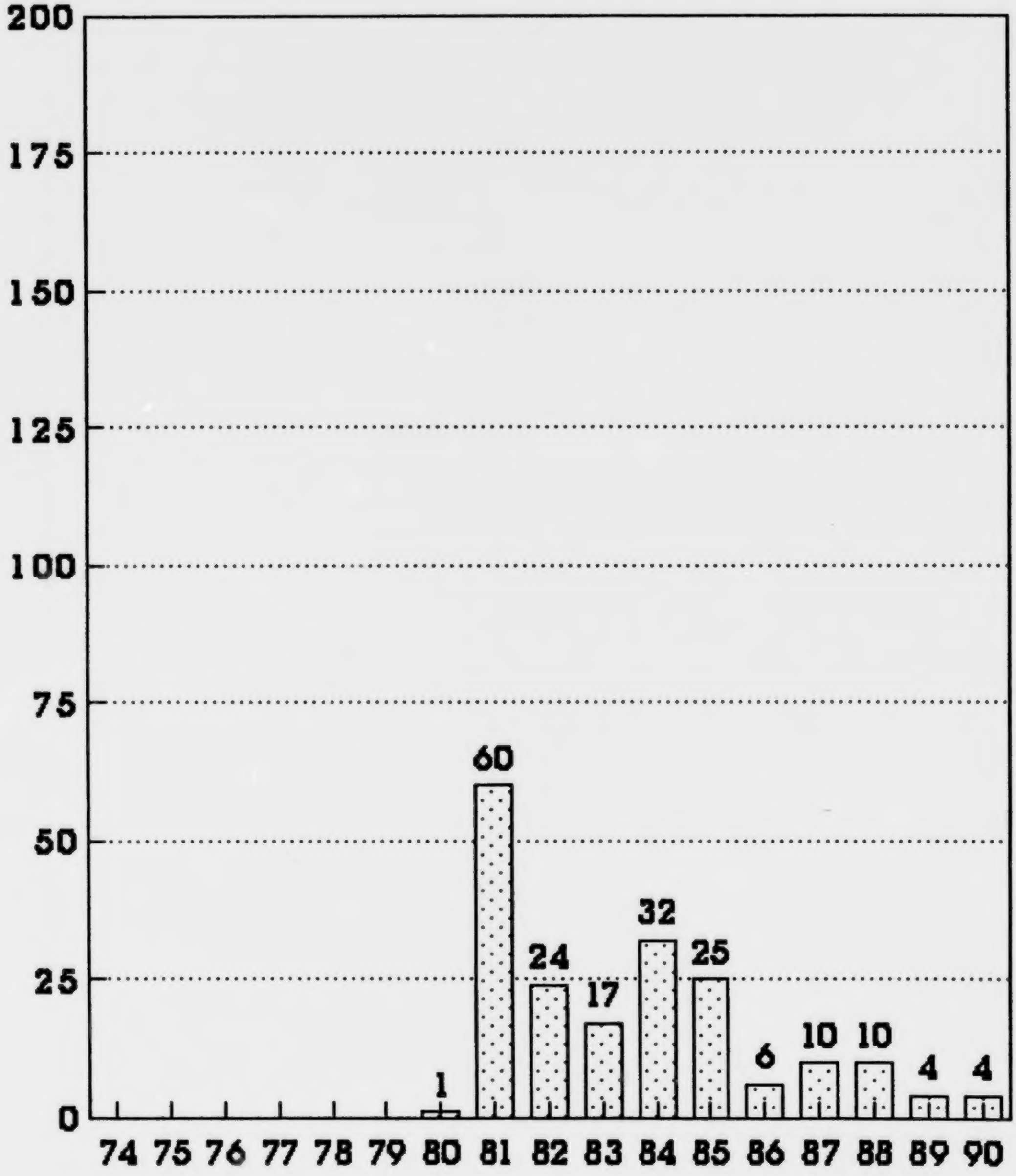
DISAPPEARANCES IN COLOMBIA OVER THE PERIOD 1974-1990



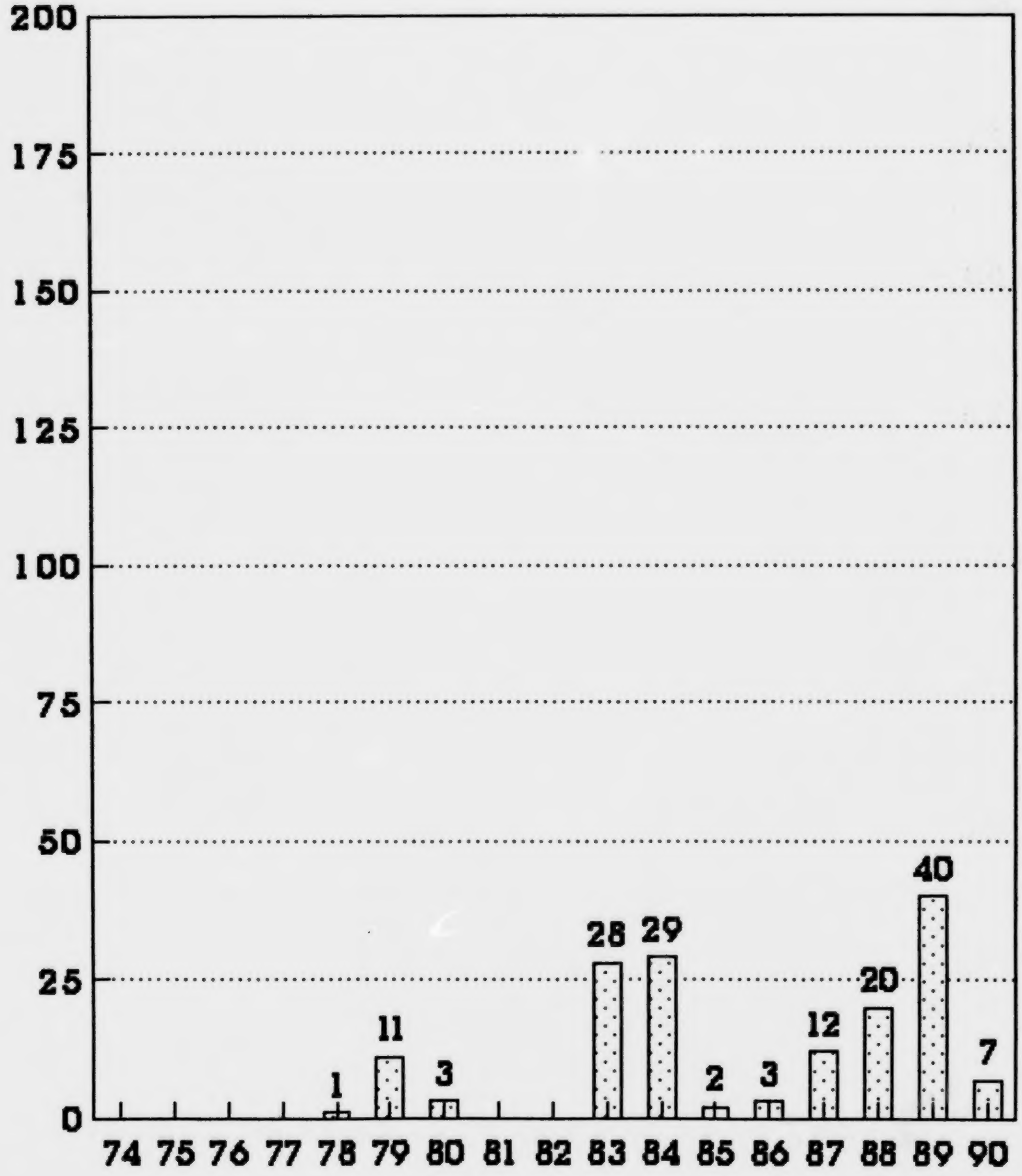
DISAPPEARANCES IN GUATEMALA OVER THE PERIOD 1974 -1990



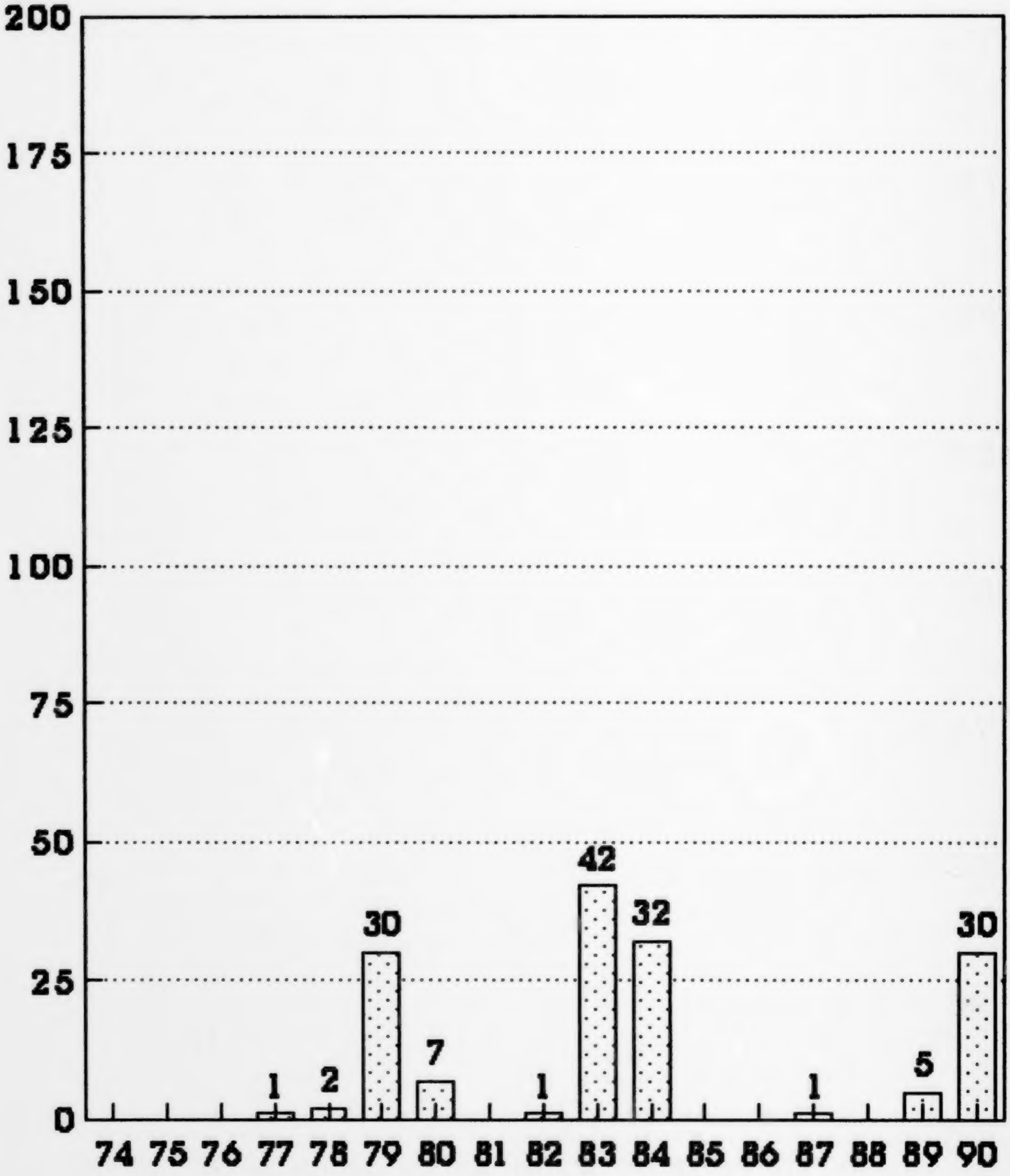
DISAPPEARANCES IN HONDURAS OVER THE PERIOD 1974-1990



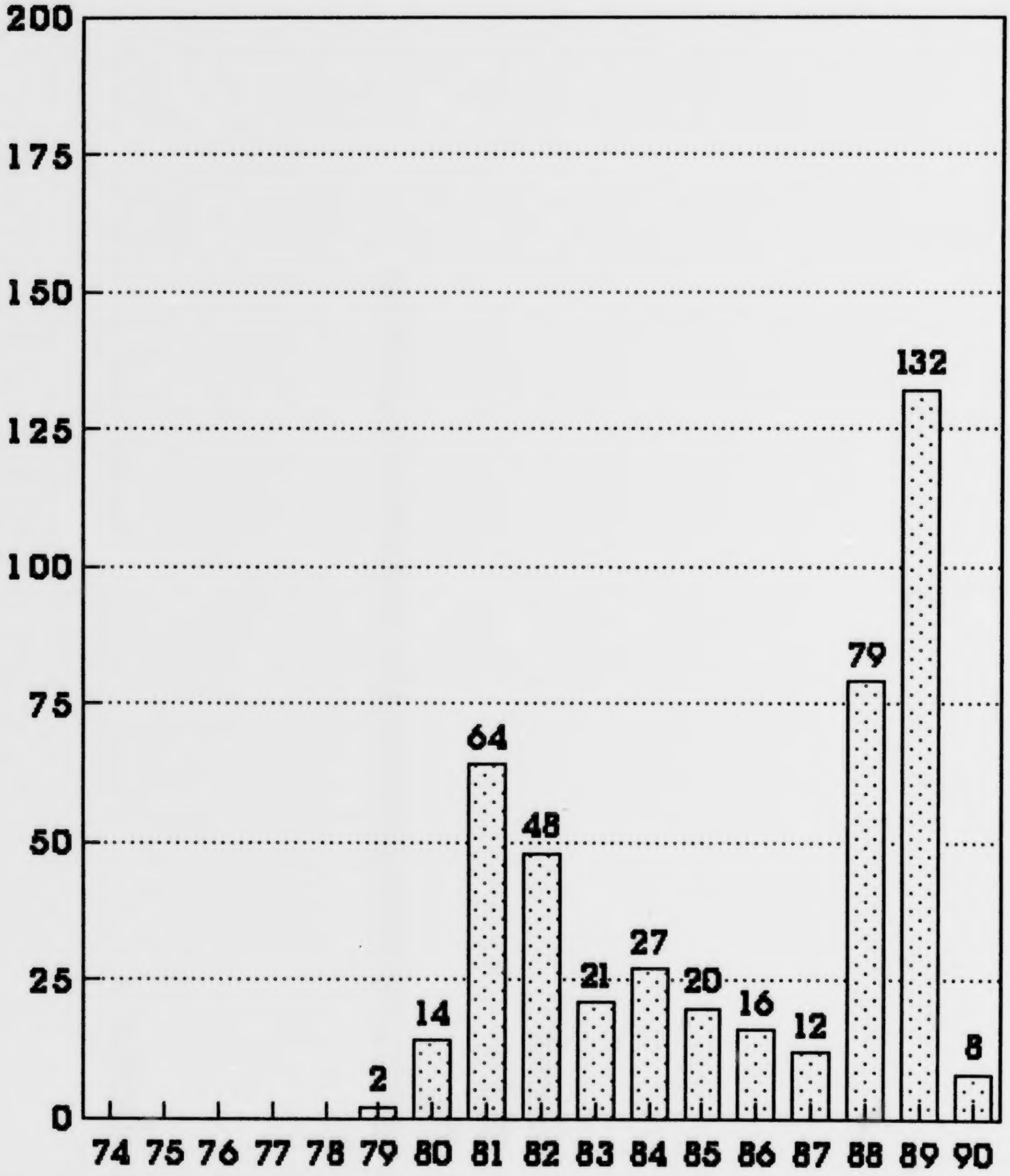
DISAPPEARANCES IN INDIA OVER THE PERIOD 1974-1990



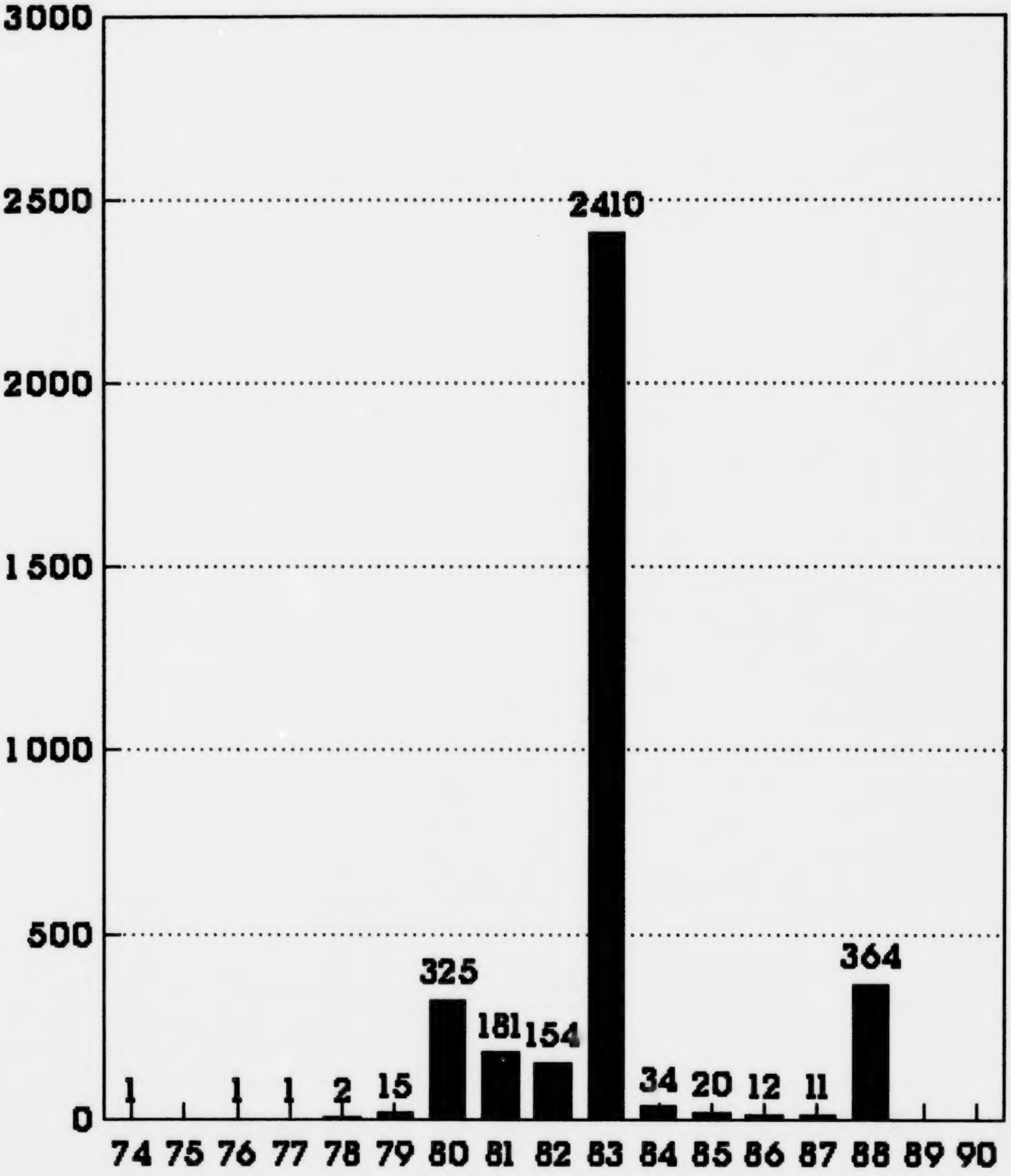
DISAPPEARANCES TRANSMITTED TO INDONESIA OVER THE PERIOD 1974-1990



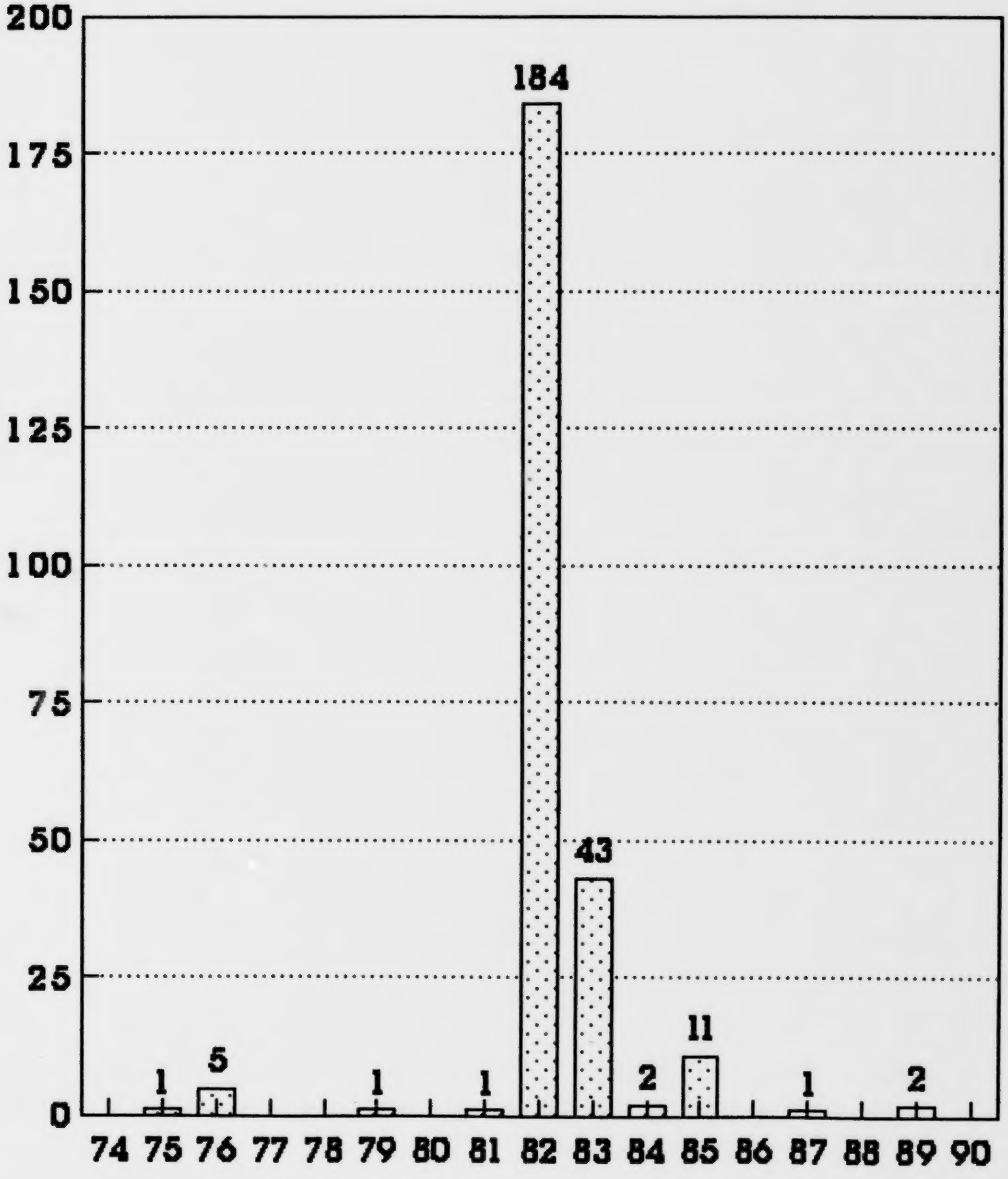
DISAPPEARANCES IN THE ISLAMIC REPUBLIC OF IRAN OVER THE PERIOD 1974-1990



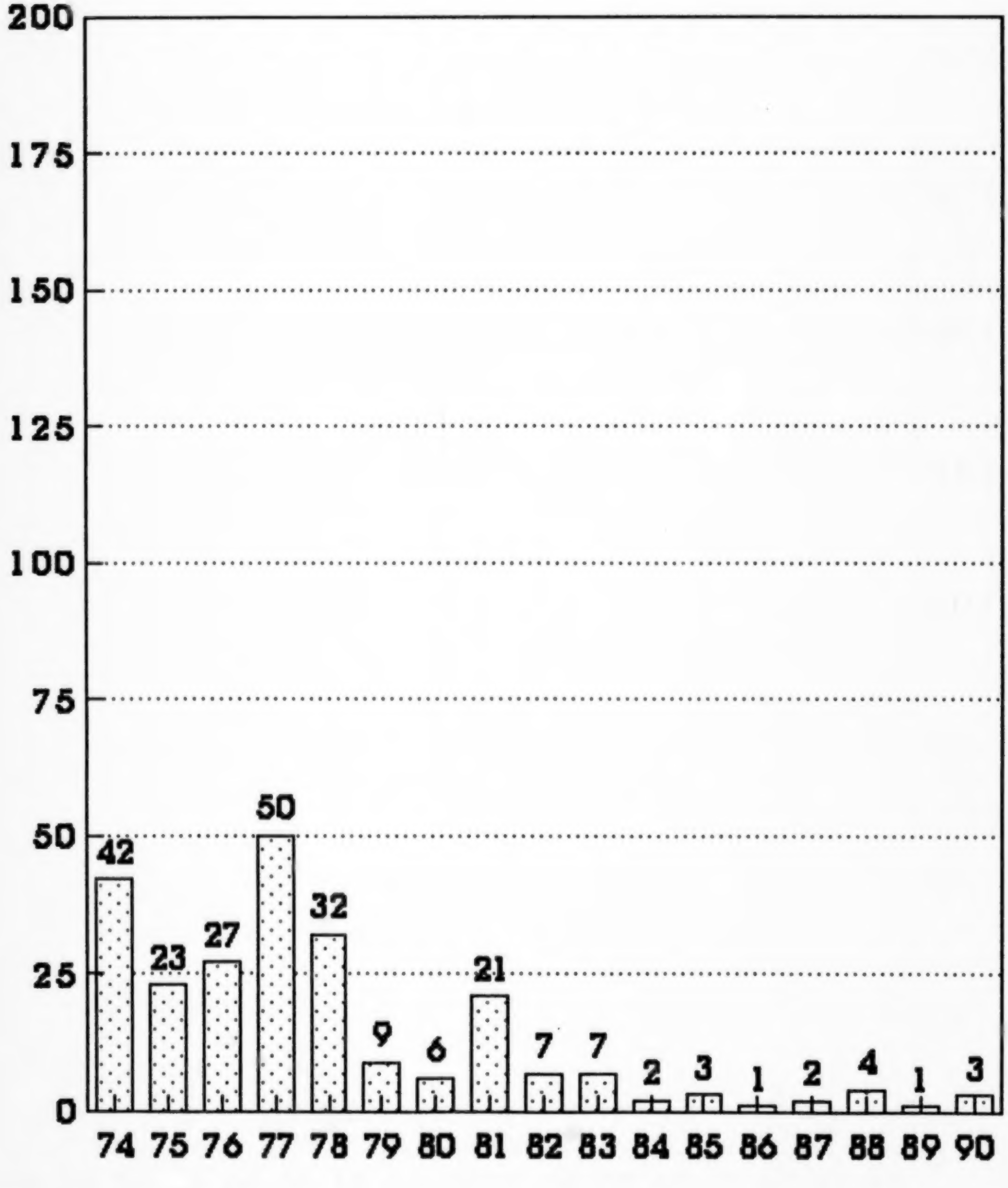
DISAPPEARANCES IN IRAQ OVER THE PERIOD 1974-1990



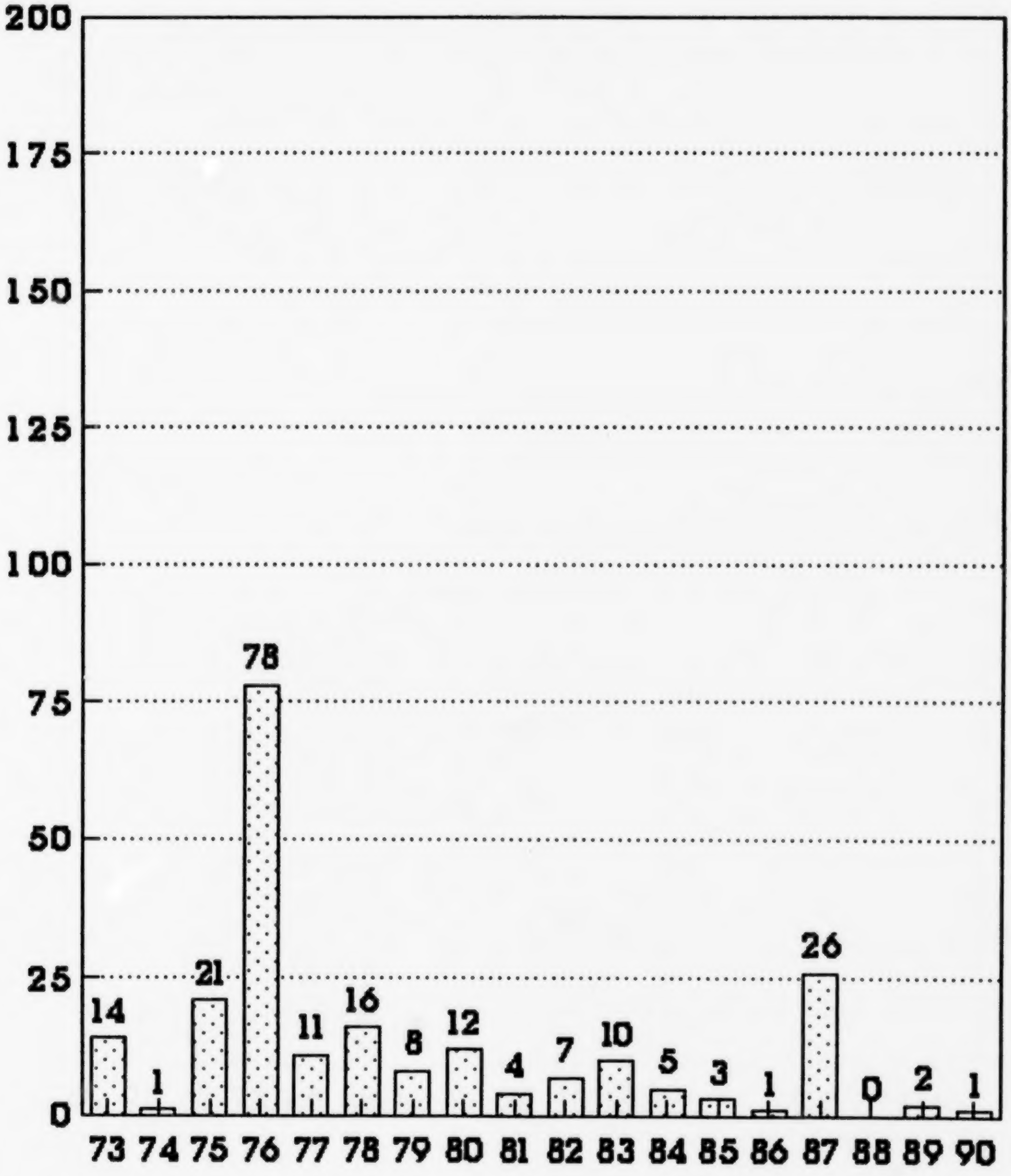
DISAPPEARANCE IN LEBANON OVER THE PERIOD 1974-1990



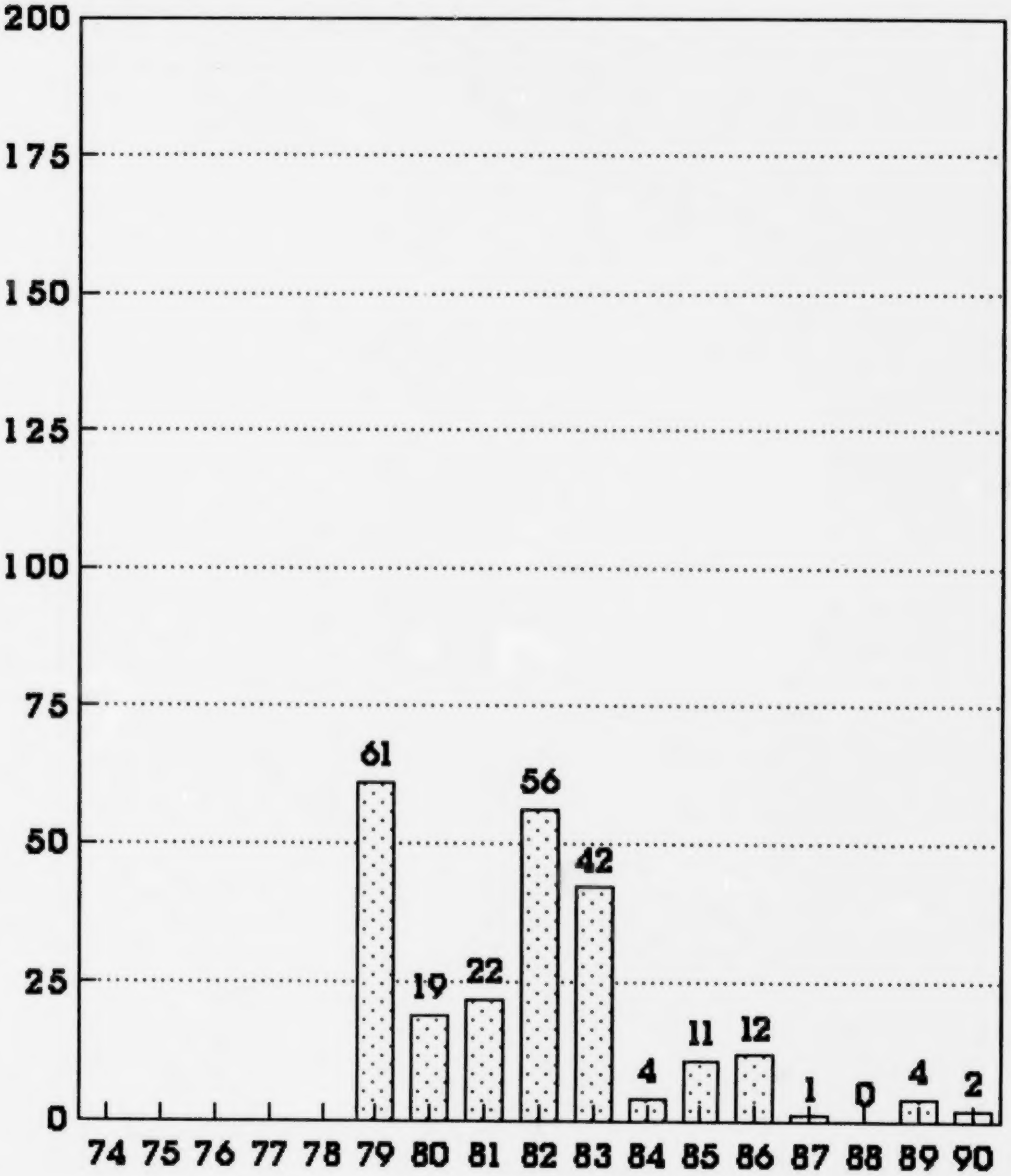
DISAPPEARANCES IN MEXICO OVER THE PERIOD 1974-1990



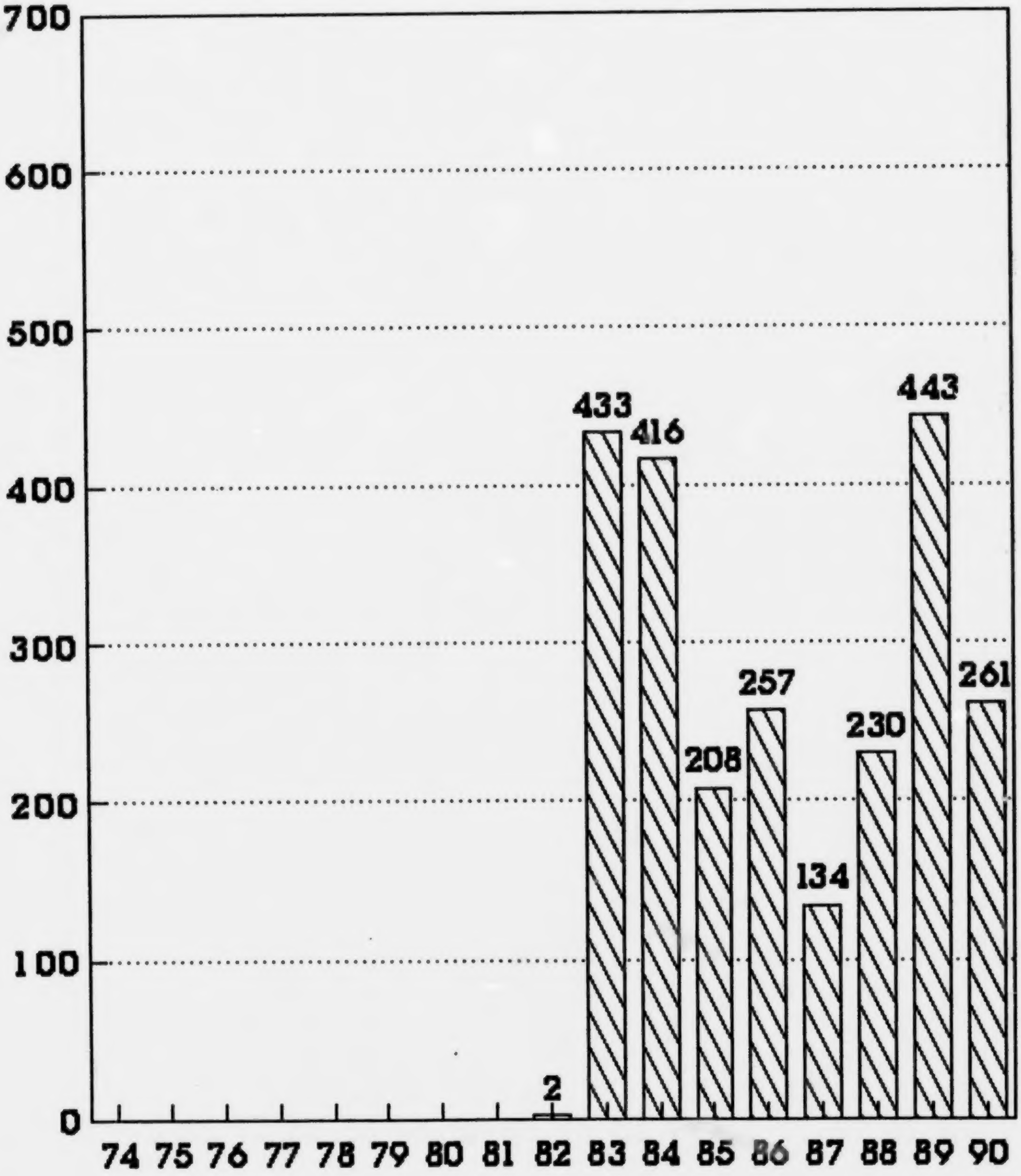
DISAPPEARANCES IN MOROCCO OVER THE PERIOD 1973-1990



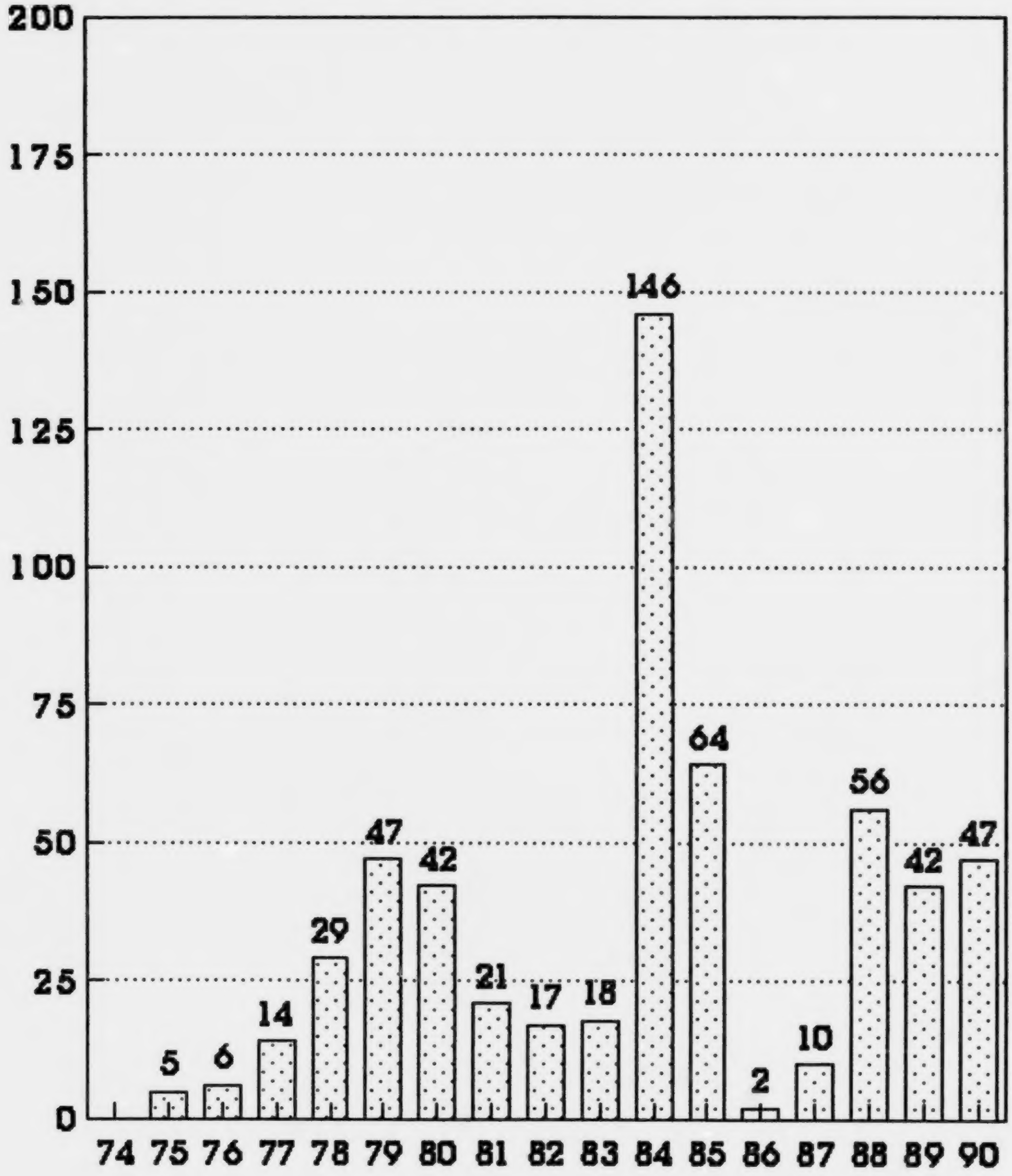
DISAPPEARANCES IN NICARAGUA OVER THE PERIOD 1974-1990



DISAPPEARANCES IN PERU OVER THE PERIOD 1974-1990



DISAPPEARANCES IN THE PHILIPPINES OVER THE PERIOD 1974-1990



DISAPPEARANCES IN SRI LANKA OVER THE PERIOD 1974-1990